



The Sheku Bayoh Public Inquiry

Witness Statement

Colin Robson

Taken by [REDACTED] on MS Teams on Wednesday 23 March 2022

Witness details and professional background

1. My full name is Colin Robson. My date of birth is in 1980. My contact details are known to the Inquiry.
2. I am a Chief Inspector with Police Scotland. I have been a CI for 3 years. I am based at [REDACTED] I just moved here in September 2021. I was in Professional Standards Department (PSD) for 2 and a half years before that.
3. I am a Staff Officer to Deputy Chief Constable [REDACTED], so I pretty much do the daily business of his portfolio and demands. I'm the buffer. I support members of the Force Executive.
4. I first joined the force in 1997 as a cadet. I was a Police Constable in 1998. That was Fife Constabulary.
5. I was a uniformed Sergeant at Levenmouth. I did do a temporary sergeant role for a number of months, which would be most likely 2008. I was promoted to Detective Sergeant in 2010. I was a Detective Sergeant at Kirkcaldy

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basically for the best part of two years, 2011 to 2013. At that time, I worked in an office upstairs at pretty much at the back of Kirkcaldy Police Station.

6. In May 2015 I would be Detective Inspector. I was based at Headquarters at [REDACTED] in Glenrothes. At that time, I was in the proactive team which covered the whole of Fife. So if I had operations in Kirkcaldy I could spend time there. I had the day job, so it was involved in investigating serious and organised crime. Also other duties were on-call and what was classed as the duty week. I did weekend cover for as Senior Investigative Officer, oversight of critical major incidents.
7. I had been an Inspector for pretty much a year and a half. It was March 2014 when I was temporary Detective Inspector at Cowdenbeath.
8. I have been asked what training I had to be an Inspector. You've got your first line manager's course, which is just Sergeant, and then you've got a Inspector's course, which usually takes on what's termed as the PIO, Police Incident Officer. So I did that. That is just for the generic role of an Inspector. But with the specialism, you do various courses at detective training at the police college as well.
9. I have worked in Fife for most of my career until in 2017 I left to go to [REDACTED] for a couple of years. Then I went to the Scottish Crime Campus [REDACTED] where I did a national role for another 18 months. Then I got promoted to Chief Inspector PSD covering the east of Scotland based in Edinburgh up until September 2021.
10. From 1998 to 2017 I was in Fife-based roles. With the size of Fife, they were predominantly centrally based, either Glenrothes or Kirkcaldy. Certainly in terms of the Criminal Investigation Department, I spent some time in the east of Fife in Levenmouth as a beat sergeant once I got promoted.

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11. I say "Police Station". "Police Office" is a thing we've inherited through Police Scotland and was quite a West Coast term, but it's Police Station.

Response officers

12. Pretty much I would know the majority of the uniformed officers by name. People would call it insular, but that was some of the benefits that you're working with ease and seeing these people each day. As CID, you would be supporting them with the crimes that they had under investigation, providing advice, etc. You generally would work quite closely with them.
13. I know all of the officers in the Team 4 response team: PCs Daniel Gibson, Kayleigh Good, James McDonough, Alan Paton, Nicole Short, Alan Smith, Ashley Tomlinson, Craig Walker and A/PS Scott Maxwell. At the time I might've known they were Team 4 but I wasn't that clued up on the different teams.
14. Daniel Gibson was very junior, probably within his first couple of years [REDACTED]
[REDACTED] Bar in general passing acknowledgement, that is as much as I knew of Daniel Gibson. Very limited dealings with him.
15. Kayleigh Good [REDACTED] At 2015 she would be fairly young in service. I recognised her from the gym. In terms of socially, potentially at that time I saw her out and about in pubs. But in terms of contact would be very limited and just passing conversation. No more than that.
16. I know James McDonough by name and face. Over and above that, I'm pretty unfamiliar with him.
17. Scott Maxwell, I knew quite well. He was performing the role of Acting Sergeant that day, but he was a cop on a shift for as long as I can remember. I think he done a bit of community and then, outside of that, I personally know

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a family member of his. No socialising or that level of relationship outside work. They're routine with the fact that if the officers had a crime or whatever and were looking for advice, they would come to the CID office. Likewise, if we had somebody in custody or we picked up on something they were investigating, there was potential links, CID would make contact with them. But pretty infrequent. He could've easily formed part of inquiries that I ran, but nothing in terms of me and him working closely together.

18. I remember Nicole Short. The first time in her first couple of weeks in the police, she was in Glenrothes doing locus protection. I couldn't tell you where she was based. I don't know if when she was central in Glenrothes was from Kirkcaldy to cover locus protection in Glenrothes. I had zero dealings with her out of work, never really worked closely with her until the actual day.

19. Alan Smith had been at Kirkcaldy for a number of years. A very capable, robust cop. In addition to work, he was an officer safety training instructor. I think he'd maybe delivered one or more of the training things that I'd went to. So, in terms of officer safety techniques, he knew his stuff. First aid as well. I think he covered custody duties. So, if we had custodies in, we would encounter him. So pretty straight-laced. No real issues. My recollection on the day and the fact that how I thought the perception was that because of his knowledge of officer safety technique, in terms of how he was managing the situation on the day, actually provided the confidence and the decision making that I made.

20. Ashley Tomlinson was a young cop. I had pretty limited dealing with him. I knew his name, face but never worked with him.

21. Craig Walker, he was immediately identifiable in that he was big, pretty overweight. Capable officer, but just not very dynamic. Covered the bases, but was capable enough. Never worked directly on a shift or like managed Craig, but I think potentially worked at Levenmouth with him when I was there.

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PC Alan Paton

22. I knew Alan Paton quite well. He was on a shift that I first joined in 1998. When I first joined the police, he probably had a couple of years more service than me at that time. So he was in the shift, which I do remember. It was my first shift in the police. It was Team 2 at Glenrothes in 1998 probably to about 2000 when I then left to embark on the CID career. I worked with him day in, day out.
23. He was pretty capable, pretty laidback. Folks will maybe get the perception of lazy. He is quite a tall, big stature guy. Unless it was a shift night out for a purpose, I wouldn't socialise with him out of work because I quickly realised if you're working with people for 7 days, at that time, you don't really want to spend your days off with them. But he had a keen interest in cars, as I do, so that was a topic of conversation for us. Really, it's just part of how you get on with your colleagues on the shift. No issues with him. I can easily reflect on what's played out post-2015 with him, but none of those matters were ever evident back then.
24. Because of his size and stature, predominantly he would drive a van. I wasn't old enough to drive a van. That's probably a cultural thing of the past that your stereotypical van drivers would be big, burly men.
25. Through social circles I knew a family member of his. Just through socialising [REDACTED] I knew a bit about his family. Never had much dealings with him, to be honest.
26. When I was in the CID from 2000 to 2006/7, I did do an acting sergeant's role on a shift that he was on. He was quite supportive, given the fact that it's difficult sometimes to go act and get that kind of support. It wasn't the fact of respect, but by that time, he'd be seen as what would be classed as your senior man on the shift because he did have a bit of service about him.

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27. It was only a matter of months. The fact that I'd been a DC for the best part of four to five years. I got promoted in 2009 to Sergeant from Constable, so it was definitely before that. I'd pretty much specialised in the CID for the best part of those 6 years. You try to find out where your weaknesses are, and it was going back to frontline duties and having that ownership, leadership of a team. Pretty much unremarkable in terms of any dealings with Alan Paton. He was a cop on the shift. He was tasked out; he did his job. Pretty laidback. There was nothing dynamic about him. Was he capable? Yes, but, like other cops who have had a good probably 10/12-year service, negativity sometimes does creep in. But no worse than anybody else.

28. I have been asked what I mean by the term "negativity". I always heard it when I first come in, about the job being fucked. And if nobody's been honest enough to say that, then they're wrong. I come in, join at 18 years old and you've got senior guys in the shift basically reflecting that because of change, it's always never what it was. So things change, rules and regulations, terms and conditions change. They do just become a bit despondent. And the roles and responsibilities of a cop have just increased and just been added to all the time in terms of what we're expected to do. That's changing and keeping up with society as well. So you do get a lot of people that have done their time and are a bit sick of back shifts, but don't do anything about it.

29. So you can appreciate people do become a bit despondent. I wouldn't immediately apply that to Alan. Because of his height and stature, he just moped about, went about his day just at his pace. There was never a sense of urgency, which, to be honest, sometimes is actually a good thing as opposed to people who do get a bit overexcited. So, in terms of dynamic situations, he could instil calm. It was more just perception and it's not to be disparaging knowing what the outcome was and where he is now.

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30. But, again, on 3 May 2015, you do see what's playing out and Alan was first there. In terms of day shifts, the culture of the cops is they meet at 6 o'clock in the morning and they get told their duties. And unless there's an urgent call, the culture is canteen, coffee, watch the telly, is the reality. And then the fact is it's like toss a coin to whoever's gonna get the first call. And then there would be the humphing and hawing about. That's the view that doesn't get portrayed. The cops reacted to something. They didn't get their keys from the muster and head straight out to go patrol. There was a reactive response to the call as opposed to any of them driving about the streets.

Race

31. I've read stories about Alan in the press. But none of those issues, even in terms of family issues, were ever evident. He never spoke about it, to be honest. And, again, I don't think there's an occasion that, no doubt for all the stuff that I was involved with him, that I ever had any issues about his attitude or behaviour towards members of the public, or even views, perceptions. Because I could easily quote many that did, to be honest, but Alan wasn't one of them. The fact is that he's been portrayed as a racist in the press by his family. Did I ever get a sense of that? Nah, never, to be honest.

32. I have been asked if I ever got a sense of that in the police force generally, among the rank and file, the canteen or elsewhere. Nah, never. My day business is now dealing with this in the wake of Sarah Everard. So we do a thing about sex equality and tackling misogyny, and I can definitely reflect about inappropriate behaviour and comments. Again, we'll always have that debate of, was it banter? Regardless, the reflection is that it only takes one person to not agree with it and it's wrong. I think that's just how society's changed, that acceptance. So I would never, as I say, mainly because I have childhood friends in terms of Asian and African, I would never stand for it because that has never been acceptable. Nah, it's not a thing. In terms of

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inappropriate jokes and the rest of it, yeah. But not somebody out-and-out racist.

33. I have been asked if I mean inappropriate racist jokes. Aye. You can reflect on it in terms of text jokes and all the rest of it, jokes about nationalities, Englishman, Irishman, Scot. I don't think that's specific to the police. And I know we're looking at different landscape in terms of institutional racism and maybe other police forces. Communities are different as well. That's changed now in terms of diverse communities that are predominantly policed by white Europeans. We then have integrated other cultures and communities into Fife predominantly, because I've never really worked anywhere else community-based.
34. My knowledge of racial diversity in Fife is my experience through the crimes that we dealt with. Early doors in my career, early 2000s, was a major increase in Eastern Europeans, predominantly Polish. That was through industry as well. They predominantly worked on farms and Kettle Produce. Agricultural industry. And the reason we knew that is the fact that they actually like to drink and like to fight with each other.
35. That was really about the first dealings with that with the police. Were they accepted? Are they accepted? Yeah. I think where they come about is through private housing as well. You did get like pockets, new-build estates, that were bought carte blanche by investors, let out. So you did have pockets of Eastern European communities. That also crept into recruitment in the police as well. So we had actually a really great relationship because we had a couple of good Polish officers at Kirkcaldy at that time as well, which, again, you need to know the landscape of where they've come from in terms of that potential distrust in the police because where they've come from, potentially corruption and all the rest of it.

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36. But not a predominantly black community, overtly, I wouldn't say. It's against the backdrop of forces down south. Through community work, when we did have any hate crimes, we'd know that there's advocacy groups, and I think the FRAE Fife was linked to the Bayoh family. I don't know if it was his brother-in-law that had something to do with FRAE Fife. So if we did have issues, then there are advocacy groups, in terms of accessing these communities. Mainly to have confidence in the police dealing with them because there might have been a reluctance to report these things because they don't have confidence in the police.

Police culture

37. I wouldn't say there is a police culture. I would say it's more a relationship, because I think when you apply a policing culture that's across the board. Take Fife when I joined in 1998. At that time, the structure of Fife Constabulary was East, Central, West. So you had Dunfermline predominantly was like a headquarters, Kirkcaldy was like a headquarters, and then you had Levenmouth which was a headquarters for the east covering St Andrews and the east of Fife . This is unthinkable now, given the fact of the geography and governance of Police Scotland.

38. But you had silos of East, West, Central just dealing with things, and the crossover was negligible. There would be the politics of who was dealing with an incident. That still exists in the police in terms of that ownership because ownership and touching it means work for folk. I've already touched on that thing of people with workload pressures and people that are a bit more work-shy. The dynamics of shifts, it was just petty.

39. Culture would apply across the board, and Fife was maybe different from Strathclyde at that time. No real malice or ill will I've ever really experienced. Aye, it's like anything, that whole rumour mill and bitchiness in policing will always exist.

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40. In terms of crime fighting or crime investigation, I always made the term shooting fish in a barrel because of the how densely populated Kirkcaldy is. Even just the layout of the town is that if something happened, it was a lot easier to investigate. As opposed to Glenrothes, for instance, which was a new town built out of the purpose to serve industry and was actually a rabbit warren. You have no chance in hell in catching anybody in Glenrothes.
41. The demographics of different towns made a difference to the police work. I've had that reflection in people who've been in PSD when I've got complaints about response times. Whereas Kirkcaldy everything in Kirkcaldy, because of the whole geography is pretty much reachable within a quick amount of time, and this incident will testify that.
42. In Kirkcaldy, I think it's all to do with night-time economy as well. The fact that we have Kirkcaldy is the majority of pubs and nightclubs, so the night-time economy is a new community in itself that it brings in people from all different towns and areas. That's how, through alcohol-fuelled or whatever, does bring trouble when you bring different fractions of people together. Cops, in terms of physical violence that they face, has only ever increased in terms of police officer assaults. I don't think you get anybody saying that the cops in Kirkcaldy are the most heavy-handed in Fife.

Previous statements

43. I have read my statement I produced myself on 4 May 2015 (PS00280). This is a true and accurate account of what happened. It was basically my perception of it.
44. I have read my statement to PIRC taken on 2 June 2015 (PIRC-00223). I told PIRC the truth. I can't recall if they read it or I read it but I would assume I signed it at the end. There was a discrepancy/anomaly about the car

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positioning at the very start but I was happy with that. I have been shown a handwritten copy of the PIRC statement. My signature is at the bottom of each of the pages.

45. I have been asked, in the event that there is a discrepancy between my Inquiry, operational and/or PIRC statement, which account would I prefer and why. It would be the PIRC one because they compared my original and asked the addendum questions on that. I happy with the PIRC statement. Your first account is just that free account of what took place. PIRC were in possession of the other facts and accounts of others and no doubt with CCTV inquiries, that's what then is part of the witness strategy they use. So it goes into greater detail.

3 May 2015

46. On 3 May 2015, I couldn't tell if I was on the 6 o'clock or 7 o'clock start back then. I was in Kirkcaldy Police Station. I think I potentially had my Airwave on at that time because I'm looking at the whole of Fife as opposed to Kirkcaldy. I do recall that I'd been made aware or hearing about the call about the male with a knife on Hayfield Road.
47. Did that alarm me? Or did I immediately think there's an issue? No, because it's not an unfamiliar call that there's somebody with a knife walking in the street, to then when police go to see that is actually not as accurate as been predicted or otherwise.
48. So I was aware of a police response. Where the CID office was, it was right next to the backyard where the police cars are parked. I wasn't looking at the window, and you hear the radio traffic of the updates of every member of the public. So I remember them responding and thought nothing more about it, to be honest.

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49. The CID didn't respond at that time. There was Sammy Davidson, who was the Sergeant. Couldn't even tell you if I was aware if they'd arrived. But then there was the immediate commotion that you heard on the radio. Then there was the activation of the red button on the Airwave, which is an officer assistance getting informed or hearing that they've encountered the male.
50. From the outset it was known that it's a black male. Did that change the response? No. But what the call did was that the officer got the assistance of CID, because that's what they do with their colleagues. This is putting aside CID in response to the request of the officers as colleagues of the uniform.
51. So we left, at that time, not knowing what we're dealing with. It's not something I would normally respond to, not something I thought I was going to get involved in until the Airwave traffic of the male had been restrained and an officer injured. So I grabbed a set of keys. I think I had my work's car at that time. In any case, I would have access and made my way up.
52. I've already explained the close proximity of incidents in Kirkcaldy. It was a mile/mile and a half up the road, so only took a few minutes. I was in an unmarked vehicle, it had blue lights in the grill. There was very little traffic on the road. It had been raining, so I do recall that the roundabouts were a bit slippery. I arrived at the junction of what would be Bennoch Road and Hayfield Road. I became aware of the officers with the hi-vis and the male restrained on the ground.
53. I thought at that time I'd stopped and spoke to Sammy Davidson, who was the Sergeant, just to see what we had, but actually what shows from the CCTV that I actually drive over the roundabout on the wrong side of the road and about, potentially, 50 yards, stop the car and walk back and have that conversation.

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54. Sammy Davidson updated me at that time that when the officers stopped and approached the male, Nicole Short was attacked along with Alan, and the other officers attended and managed to get the male under control. At that time, I could see only a matter of yards away, that the male was restrained. Although I was told he's a black male, it was not something that was immediately evident.

Risk assessment

55. I have been referred to my operational statement at page 2: *"At this time I was also aware of officers updating the control to the effect that they were approaching the area of locus. The control room asked for an update on arrival and also to carry out a risk assessment in order to establish the nature of the incident to determine the required response."*

56. I have been asked if I am aware of any risk assessment being carried out by the officers approaching the locus. I'm not aware. What we had to get to grips with in Police Scotland was the Area Control Rooms (ACR) do always have tactical advisors with firearms and with weapons. If there is mention of a weapon, they will do that dynamic risk assessment to what response would be required.

57. Where we are now if there was a similar call, and the fact that it was practical, they might have sent an STO with Taser or they may send an armed response vehicle, just to try and manage the risk. To be honest, in these circumstances, the time would not allow for that.

58. We do have to feedback to ACR on weapons, etc., and the fact that, if there is ever a need for a specialist resource. I suppose by that time, the update is "the male's restrained and the weapon's been retrieved", then they would probably just then be satisfied that the conventional response was most

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appropriate, and that there was no need for any other specialist resource, dog handlers, all the rest of it.

59. So these things play out when there's potentially a more protracted response. If the police take longer to get there, there's more information gleaned, or the police turn up and the fact that they contain something and need specialist resource. But in this case it's happened far too quick for that to even be considered. What I'm alluding to is the fact that I mean the risk is mitigated, that the male's restrained, and the knife's been recovered.

60. It's all through a command and control structure. It's all part of the information gathering phase that you try and glean as much as you can to assist the cops that are attending, and also to identify or the best response. That time, a male with a knife, there was a conventional response; it would be up for the officers on arrival to say "this is what we've got, this is what we need". But you'll see in the Airwave transcript that, when they were asking for an update, as soon as they arrive, it just becomes bedlam because they immediately are engaged by the male.

61. Safety is paramount, to the public, the people leading the subjects and the officers. So we always have got familiar about stay safe messages etc. There's mention of a knife, so the cops need to know what they're potentially getting themselves into. It still needs a conventional response.

62. I have been asked if the control room were asking the officers to carry out their own risk assessment. I think that's pretty much it because, at the end of the day, they become the eyes on the ground. They know the accuracy of what's being reported. That's what they feedback. So the cops are going on what the control room's telling and what they had gleaned from the call. They need the cops to go to then basically either help inform the circumstances more to what kind of response is required. We've had things play out with the fact that you mean they'll stop, they'll view from afar, they'll engage the male

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or will contain. Just all kinds of different tactics that are afforded to officers. But until they go, they don't know how something's gonna play out.

Sheku Bayoh

63. There was a number of yellow jackets around Sheku Bayoh. He was on his side. I do recall seeing Alan Smith. I didn't know he was on duty that day, but when I saw him, that actually bit of confidence that he's officer safety trained, and he was giving the commands in terms of that officer safety plus welfare of the male as well.
64. I have been referred to my operational statement at page 3: *"There were approximately 6 officers around a black male who was handcuffed to the rear and had leg restraints applied. I was not aware of all officers but did identify that PC Alan Paton, PC Craig Walker and PC Alan Smith were present. I was a short distance away at that time but at that time the officers appeared to have control of the male who had been placed on his side."*
65. I have been asked if I now remember seeing Sheku Bayoh on the ground. Totally, my initial observation in my statement was quite vivid. It's probably assisted through some of the images that have appeared in the press from a nearby house, by the looks of it, the yellow jackets. It's the first thing I saw when I arrived. The focus of our attendance was the black male in possession of a knife. And with the yellow jackets, it was pretty clear to see.
66. I have been asked how I know Sheku Bayoh was on his side. Just the way I could see his feet. The way the end of the heels were positioned and the feet. I walked up. Me and Sammy Davidson saw it quite close. It was all quite close proximity to be honest. I do, without looking at the statement, recall the way they were aligned. Alan Smith was speaking through the process in terms of somebody lying on their side. It also allows to check the subject as opposed

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to somebody lying flat. It was pretty similar to what you would see him do in training.

67. He was definitely on his side, definitely not prone. Definitely nobody on top of them either. The yellow jackets were pretty much on the same side which would be basically his back, having been pulled onto his side. So his torso would be facing away from the cops. And there was somebody at the head. I think Scott Maxwell was in the periphery. Then Alan Smith, as I recall because he's got a English accent, was talking through the process of his restraint.

68. I have been asked if I can remember anything said by Alan Smith. Somebody who's handcuffed won't lie flat because of positional asphyxia. I do recall mention of airways – whether that was clear. But I don't know why I would mention that now and not in my PIRC statement. I don't think my memory has been tainted by what I've read in the media.

69. Scott and Alan Smith were both standing. Alan Smith at the head because I think I can remember him facing me. I couldn't tell you where Alan Paton was. Through his stature, I have Craig Walker with his back to me in the line of the cops that are dealing with him.

70. At that time, I thought the male had been apprehended, Nicole Short had been injured, nothing overtly, but she was complaining of a sore head. There was evidence of police equipment on the road, and then we made efforts to try and trace the knife, which was recovered on the grass a short distance away. So really, it wasn't even my advice. I think it was probably just confirming what Sammy Davidson as the Sergeant said the plan was: record and plot what was there, then recover. We're in the middle of a road. We didn't seem at that time think it was appropriate or proportionate to shut the road, so we were just going to record and recover the items for any potential

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forensic evidential perspective. As far as I was aware, the officers would deal with the male.

Knife

71. At the time Sheku was being restrained, the only spare staff was the CID. They'd mentioned the knife, so in terms of evidence it was to try and locate it, and we located it on the grass. I can't recall in terms of actually seeing it physically at that time, but the instruction – and it has been scrutinised since – was to record and recover.
72. The method that we did that was basically photos on the phone. Was it the right thing to do? Yes, at the time, on reflection. Now? No, because I know what ensued with cops getting their phones taken off them. But the reality of the incident of what seemed minor at that stage wouldn't have merited Scenes of Crime coming to record the knife. Also the whole provision of custody cameras was a disaster back then. So the process was that with technology and digitally-enabled phones, take a photo. We could get a printout with the Bluetooth printers, we can get a printout of the knife, and we could put production label on it, and that was common practice.
73. I know the implications of that now, with hindsight. Thankfully through PDAs and other lessons learned we've managed to put things in place to mitigate that. So, no, it was really just record and recover, plot – even in their notebooks – the location of the batons, the roadway, to then where the knife was, record it on their phones. In hindsight, if we knew what was going to play out, and that stuff would have been left *in situ* for Scenes of Crime. But it was the right thing to do with information at the time in terms of what was proportionate with inclement weather, it was light drizzle, and also really losing control with the members of the public that were starting to congregate. So that was from a health and safety and officer safety perspective as well.

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74. I didn't know what forensic value it might yield in terms of DNA presence and blood. I mean, knives are involved and weapons are used in other incidents. There wasn't a report of anybody has being injured by the knife, and I was seizing it for that specific purpose. By seizing and securing it as soon as reasonably practical, and with it put in a receptacle that preserves it, gives it the best chance of any examination it might be subject to. It could affect fingerprints. It was preserving in its best state – likewise with the batons as well. But, truth be told, at that time, it was predominantly from a health and safety perspective. With a police assault, potentially breach of the peace, I wasn't thinking there was a forensic case associated with it. If there was, then it'd been left *in situ*.

Drive to hospital – PC Nicole Short's account

75. After recovering the knife, I find myself a bit redundant by that time, thinking that the matter was under control. An ambulance had been requested, but you were literally half a mile from Victoria Hospital on Hayfield Road. I thought that I would be best used by just nipping Nicole Short along to the hospital. So whether she'd been put in my car by that time, I'm not sure, but she was front seat passenger as I drove the short distance to A&E.

76. I can't really recall the conversation. I think to her it seemed a bit of a blur, but she did indicate that she'd been stamped on the head.

77. There wouldn't be a conversation, because it wouldn't be long enough. She was upset, no obvious injury, but did say that she'd been stamped on, her head stamped on. That's about it. If anything, it would just be that reassurance from me, assuming that the incident had been resolved and concluded. There'd been no reason to hold a more in-depth conversation, or to start to question her about the incident because my role had ceased.

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78. I have been referred to my operational statement at page 3: *"I then conveyed PC Short to Victoria Hospital, Kirkcaldy and paced her in the care of medical staff. During the journey which would have lasted approximately 2 minutes, PC Short recalled being on the ground and seeing the males foot coming towards her head."*
79. I have been referred to my PIRC statement at page 7: *"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. "*
80. I have been asked if she said she was stamped on or if she said a foot was coming towards her head. I made an assumption. If she's complaining of a sore head and all she can remember is a foot coming towards her, then the assumption is she's been stamped on. Did she say that "He'd stamped on my head"? Couldn't recall, to be honest. What I'm saying might've been tainted to what I've read in the media since, potentially. But she was definitely complaining of a sore head, no overt injury, upset, and the recollection of a foot. Without seeing the statement again I don't recall the recollection of a foot. Presumptuous, I know, but aye, she'd definitely been struck. She'd been assaulted by the male and was complaining of a sore head.
81. I never looked at my statements before this. With PIRC I only went to the bit where I knew about the discrepancy with the vehicle. So, aye, my recollection is she'd been stamped on, but I'm happy that, going by the statement at the time, given 7 years has passed, that the statements would be more accurate. And it's consistent, the fact that I've said it on both occasions.
82. I have been asked if I remember anything about PC Short's demeanour or what she said. Very little because of the distance of the car journey and I was

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also listening to the radio. You'd be lucky if we took a minute to get to the hospital. The truth is, she was stumbling about the road. I mean, she was no good to man nor beast.

83. In my view, at that time, the fact that there was a male brought into custody for having challenged, assaulted police, he'd be processed in line with normal procedures and reported. It wouldn't be a matter for the CID, unless there was serious injury or otherwise. But that's not to say I wasn't interested in that and for her welfare, but it was really just pretty much a natural conclusion at that time to my involvement, just to be seen to help out.

84. I stopped at A&E doors, walked her in, handed over. I didn't hand her over to the staff. I said for her to go and tell them what happened and get checked out. I said I would go back and make sure everything's ok. I'd left my radio in the car at that time. I could only have been in a couple of minutes.

85. I have been referred to my previous statement to PIRC at page 7: "*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.*" Looking back, I don't recall that, but, why would I go that far and just dump her, to be honest? She was really upset at the time. So, yeah, potentially I said that she'd been involved, she's claiming to have been stuck to the head, whether that's stamped on or otherwise, and that I needed to leave to get an update on what was happening.

Leaving hospital

86. When I came out, and there was significant radio traffic and it seemed, from what was potentially a resolved matter, there seemed a bit angst and a bit urgency around the messages. There was ETAs for the ambulance. I was told

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that the male had lost consciousness from having been restrained, and they were looking for an ETA of the ambulance.

87. I returned and reviewed the decisions through the Sergeant, Sammy Davidson. We needed to put locus protection measures in place. So we just started looking at the parameters of that. Conscious that we couldn't use the cops that were involved, and the condition of the male did not look good.

PIO Stephen Kay

88. I had to think about the welfare of the cops involved. It was that resilience and looking at what other staff members were on across Fife. I managed to get a few CID from Levenmouth, including Graeme Dursley, who were going to come through at that time to assist with whatever inquiries were going to ensue. The PIO on that day was Stevie Kay. He's got the day-to-day running of incident management, day business, plus resources resilience where he needs to allocate or realign staff.

89. So I spoke to him, told him what we were dealing with, told him there was going to be a requirement for staff to come and resource the locus protection measures that we'd put in place, which involved the barrier tape pretty much blocking off the road, using the natural boundaries of the houses on the south side of Hayfield Road and then the trees on the north side. Probably, at that time, I had enough through my on-call structures to give an early call to the Detective Super.

Det Supt Pat Campbell

90. So the Detective Super was Pat Campbell. There's me covering Fife, he would have to cover the whole East of Scotland at that time so he would have, like, Edinburgh, Lothians, Central Scotland and Fife. I then pretty much just relayed the circumstances about the police response to the male with a knife,

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the restraint element and then the assault on the officer, and then the subsequent loss of consciousness and the ambulance. I think that was, at that time, as much as I was able to provide him.

91. My attention then turned to that investigative strategy to look at the elements for the forensic side, which again had been changed because we had already recorded and recovered the knife and the police equipment. But also more importantly, in terms of identification, witnesses. So I think it coincided with a call from Sheku's partner at that time about having previously caused a disturbance at the house and an issue at a friend's house. So again, with that information, we had to get a resource who haven't already been involved in the matter to get round there to secure and also check if there was any other person involved, if not injured. So, really, it was a case of securing what we had at that time.

92. When the ambulance came and Sheku was taken to hospital, for that continuity, we arranged for a DC, I think Derek Connell, to go with him. The preservation of life's the paramount importance, but also to check for any of medical evidence. If there was medical intervention, he would secure that from the hospital perspective, and he would also be best placed to give us an update on his condition. So once we secured the locus, Sheku's away to hospital, we secured the element of the house, Sheku's house, plus information about his friends. It was really just securing what we had.

Canteen

93. Attention turned to the officers involved who were now in the canteen at Kirkcaldy Police Station, in terms of their welfare. Not having the hindsight now of police incident procedures, it was to try and get them back to the police station. Ensure their wellbeing, but making them feel aware of the investigation and scrutiny that would come. The message to them was not to confer or discuss, and I'm trying to get the other support mechanisms.

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94. I have been asked if the message was not to discuss the incident. Yes. Don't discuss the incident, but not to sit in silence. They could chew the fat a little bit. They were allowed to talk even just in terms of welfare and looking out for each other. I have been told there may be evidence from another person in the canteen that the officers were not told to not discuss the incident. I told all of the officers. All the officers were seated at the table. They were already in place by the time I went down and explained not to discuss the incident. At that time they weren't fully aware of what was going to ensue, but they could guess that the fact that there would be scrutiny and investigations. We were trying to work out what PIRC would do.

95. I explained what the likelihood would be in terms of seizure of clothing, etc. But again, to do it in a manner which was fair to them. So there was no side conversations with the officers about conferral. The canteen is basically a big rectangle table, so I spoke to them collectively. It wasn't a conversation I particularly enjoyed, but again, I thought it was only fair to say about the lines of communication.

96. If there's one person saying I didn't tell them not to discuss the incident, it's collective or none. I didn't only discuss this with one individual.

97. "Is he dead?", that was one of their questions. I don't think at that time it had been confirmed. So I wasn't going to lie to them. I think it was only fair to say just to basically sit tight and get a cup of tea and we'll be down as soon as we know what was going to take place and, in an interim period, the reason for the Federation representative being there and the CID member.

98. There were messages at that time to separate them, but, to be honest, with the whole resilience and resources we had, it wouldn't have been achievable. So through contact with on-call, by even putting them together in one place, we gave them advice not to speak, and then trying to ensure that whole

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integrity of it by getting a Federation representative to be there to look out from that perspective. And then, secondly, from the criminal investigation perspective, to put a DC on it.

99. My call to the on-call Detective Superintendent, Pat Campbell, I appreciate that would then result in other calls up the chain of command to executive level. I think eventually it was DCC Ruairaidh Nicolson. Those calls then resulted in subsequent calls back to me, in terms of that instruction of what they were looking to achieve. For me, the most vivid thing was the fact it was the cops being the focus and what we needed to do.

100. We needed to secure their account. When that would come, any forensic considerations, in terms of because there'd been the physical contact then, naturally, like any investigation, we'd look to secure clothing, etc. Just like any crime incident where we have got a number of witnesses, victims, is that it's resource intensive.

101. So instead of any knee-jerk actions that might actually affect the integrity of the evidence, at that time I've been told we had the sufficient resource and also recognising the involvement of PIRC. They were basically corralled in the canteen we considered how best to cover that.

102. There was a Federation rep; it was Austin Barratt. He would have the care and welfare element, and he provides that. He's an officer, but it's a bit of independence as a Federation rep. Then also, in terms of integrity of the investigation, would be the CID presence. But the instruction to the officers wasn't, "Don't talk," because it's a sense of reality, seeing the impact on them to what they've been through, I wasn't going to shy away.

103. They knew, because they're officers, what an investigation was going to take place because they were now involved in it as significant witnesses. I didn't classify or brand them as what status they were, but until we knew how we

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needed to progress, this is the best way to do it. There was pressure for me to separate them, but I didn't have the officers to do it, I didn't have the logistics to do it. They all had the social contact through working together. They'd all been in the same place, and all returned to the same place. The pressure to separate the officers was undoubtedly from Pat Campbell.

104. We deal with the line management and rank structure. What was conflated was the fact that PIRC was a fairly new concept, basically, but about two years old. So I hadn't been involved with anything with PIRC because the original thing was stop, do nothing. That, to me, had to be the conventional response to the incident, and there was stuff that was already in train that just couldn't be stopped.

105. I think that probably led to some potential miscommunication and delay in messages that we got. We were pretty familiar to deal with these things. Yeah, it wasn't great that was our own officers, but given the experience across the board of the people dealing with it, it was pretty routine. And I'm not being dismissive of it, but it's process, procedures that were routine. Once we've covered the bases and secured that, it's easier then and it sets the tone, the foundations for any investigations.

106. I thought it was unfair that there was a message for the officers to be separated. I thought that I could achieve the integrity of the best evidence from them, plus also catering for their welfare as well.

107. Undoubtedly, they were effectively separated a time later, and for that capture of potential evidence. But at least it was done probably in conjunction with them, consultation with them, which is what we would do with any witness.

108. So until we had a process and a way of being able to deal with them, then I was satisfied that was the best way at that time, with the Federation and CID cover.

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Witness or suspect

109. I don't think I would ever have said "suspects" at that stage knowing the impact that would have. It was more about status I would think. I think if I'd mentioned "suspects" to them that I would have got a pretty adverse reaction, to be honest, knowing what they'd been through. I've never used the term "suspects" at any time when I've thought or considered them.
110. Did I show empathy? Yeah. Did I feel the fact of what they'd been through? I did, but it would have been very remiss of me to pass personal comment on it. I was trying to remain neutral, despite personal views, so my comments wouldn't have been conveyed.
111. "What's my status?", "Do I have to give him a statement?" These were all questions that came after. We know it led to the delay when the Federation made the decision about them not giving a statement at that time, but it was based on the fact that they weren't all safe. I didn't have confidence in where we were going because it wasn't my decision. Ordinarily these decisions sit with me. But I knew there were discussions going on with PIRC and senior management about how it would go. I knew that the whole public and media interest as well. This was the general advice I gave to the officers in the canteen. It wasn't scripted.
112. I have been asked what is the difference between a witness and a suspect. We have witnesses, persons of interest. These are terms that we've inherited through the inception of Police Scotland. A witness and a significant witness is still a witness. Legally, we don't treat them any differently. They're significant witnesses because they were close the incident under investigation because they directly involved. Whereas someone that that see somebody from their house would be a witness. We secured what we have and decision were made to how they would be processed, effectively.

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113. If someone's a suspect there's a legislative power we could use at that time, detention, but that wasn't even being considered.

PIRC involvement

114. Discussions among us had moved on with that element of police contact and death. We knew the statutory involvement of PIRC with serious injury following police contact. When death resulted, we knew that PIRC would become involved. The challenge was, in Police Scotland there hadn't been that many like incidents. So what probably for me led to a bit of confusion, at one point we're told to stop doing everything.
115. Predominantly the priority was identification and next of kin, and to be honest, that was discussions that then took place with the local commanders that had arrived, which was I think Nicola Shepherd and Gary McEwan. Nicola Shepherd would be the Chief Inspector at that time, and Gary McEwan was the Fife Divisional Commander. I know there was decisions round contact with family and messaging. I was party to that when the Gold Group meeting took place, but not really party to it before that. My role at that time was the investigation until told otherwise.
116. So once I'd managed to secure and have all those initial strategies in place, like anything in the police, it's then trying to record that. So start an action book and make notes for this very purpose, to withstand that scrutiny and any challenge round this decision-making. So I did that and then I think I informed that there would be an initial Gold Group meeting. Whether the first one involved PIRC, I can't remember. The second one definitely did. I think that was probably just down to the time and logistics, that they were deployed from Glasgow, so again the time that they would take to assemble and deploy.

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Gold Group meetings

117. I have been asked if I remember what was said at the Gold Group meetings relating to operational statements from the officers. No, I don't. I think I don't reference this in my statement. I knew there was a desire to get the statements from the officers. From the Police Scotland perspective, devoid of any actually recognised process, ie, PIM. I can recall giving my update to the meeting.
118. I can't remember if the Federation was represented at the meeting. If they weren't represented, definitely the message from the Federation was conveyed about confirming the status of the officer, what was required from them. I think that some cops were eager. I think they were influenced by others that don't give statements, but I don't know.
119. I think the significance was still, at that time during that afternoon, confirmation of identity, next of kin. That was pretty much the only strand that wasn't comfortable that had been walked through . Form of words that we'd ordinarily give to the family of a person involved.
120. I definitely knew that the PIRC were eager to get the statements. I think at that stage, with the level of senior officers involved, it's not something that I would have been involved in. It was clear from that that PIRC were taking ownership. I don't think PIRC had the resource, and whether they had the competence as well at that time because they were in their infancy, but they were going to use our Major Incident Team to basically facilitate the majority of inquiries to do it. I remember the request, I don't remember the level of discussion round it.

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Media

121. I've tried to read very very little in the media. Unfortunately, there's some that's been unavoidable, but because naturally I've read stuff that personally I would think would be inaccurate, and that is frustrating, but that's the whole purpose of the Public Inquiry.
122. I have seen the views of the family, which are important but I suppose they are very subjective. It's just what they've read in the media, and I know they've been supported by legal representation as well. The documentaries and that, I've pretty much done my best to avoid because, again, it is pretty drama sensationalised, to be honest. And also just the way it'd potentially been portrayed. There was agendas in terms of suggesting the race element, etc. I just knew it didn't show the full picture.
123. I also saw the sideshow, as I would say, with the character assassination of Alan Paton and Nicole Short which, again, just to keep it in the public eye, which I saw no bearing on the case. Alan, in terms of his troubles with his family, I don't think had any bearing of his actions on the day; he responded as a uniformed officer like the others. Despite his family dynamic against him, that it was part of his actions on the day. He didn't what know he was getting himself into.
124. [REDACTED]
- [REDACTED] And so it was all just frustrating. It's not in terms of protecting the police, it was just more the whole facts haven't played out.
125. None of the [REDACTED] was reported, Sheku was chasing the [REDACTED] up the street with a knife, etc. But I never really let it get to me. Some day it actually did get to me with one of the documentaries recently that alluded to other names of the

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officers, like Craig Walker etc.. I think they showed the stills and there's me in the green jacket. So through the welfare of Police Scotland I was asked if I need any support. But I mean, I've never been associated with it. No doubt there'll come a time in the public Inquiry I will be.

126. 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.

Signature of witness.......... Date..... May 31, 2022 | 2:22 PM BST