

WITNESS STATEMENT

Agency Ref : S129B

PF Ref :

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Surname : MCEWAN Other or previous surname :

Forenames : Garry DoB : [REDACTED] 1971 Age : 46

Occupation : Police Officer Other Occupation :

Police Station : Glenrothes Police Station Years Service : 27

Disclosable address :  
Glenrothes Police Station  
Detroit Road  
Glenrothes

Post Code: KY6 2RJ

This statement was taken :

Date and time : 23rd of January 2018 13.40

By : INVESTIGATOR GARRY SINCLAIR  
Place : Stirling Police Station

In the presence of : INVESTIGATOR ROSS SINCLAIR

I have/the witness signed/refused to sign this and all other pages

It was/not read over to the witness and was/not recorded on Audio tape and/or Video tape

States :

I am aware that the Police Investigations and Review Commissioner (PIRC) have been instructed by Crown Office to complete an independent investigation regarding the death of Sheku Bayoh who died in the Kirkcaldy area on Sunday 3 May 2015 following an incident involving officers from Police Scotland.

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**WITNESS STATEMENT**

I have already provided two statements regarding my involvement and knowledge of the incident and I am aware that PIRC have copies of these statements.

I am currently a Chief Superintendent with Police Scotland working for Criminal Justice Services Division based at Fife Police Headquarters, Detroit Road, Glenrothes.

Investigator Sinclair has asked me what my understanding was regarding the incident involving Sheku Bayoh at the time when I attended [REDACTED] along with Chief Inspector Nicola Shepherd on Sunday 3 May 2015.

As I said in my first statement which I provided the information that I was aware of at this time was just after 7am that morning a number of calls had been received by the police about a black male in possession of a knife on Hendry Road, Kirkcaldy at its junction with Hayfield Road, police officers attended the scene and during attempted apprehension of the male CS spray was discharged and police batons drawn, during this period Sheku lost consciousness and the officers administered CPR until ambulance personnel took over. I was also aware that Sheku Bayoh passed away at the hospital at 0904hrs that morning.

I was also aware at this time that one of the officers involved namely Nicole Short had been injured during the incident involving Sheku Bayoh had been taken to hospital for examination and discharged a short time later.

At this time I had spoken to all the officers involved in the incident with Sheku Bayoh. This took place within the canteen at Kirkcaldy Police Station. I spoke to them about their care and welfare and also informed them that the next procedures involving them would be dealt with by Conrad Trickett who was a Chief Inspector at that time. I did not speak to any of the officers regarding what actually took place during the incident involving Sheku. I purposely avoided that.

I have been asked by Investigator Sinclair who briefed me regarding the incident involving Sheku Bayoh.

As I said in my first statement at 1130hrs that morning (3.5.15) I attended a gold group meeting chaired by ACC Nicholson. Also present at that meeting were Detective Superintendent Pat Campbell and Detective Inspector Colin Robson. There were others present but I cannot recall who. Detective Inspector Robson was the Duty Detective Inspector that day and he provided the gold group with details of the incident. That's where I got my information from.

Investigator Sinclair has informed me that during the PIRC investigation a statement was noted from a witness Adeymi Johnson who within his statement has mentioned that when Chief Inspector Shepherd and myself attended at [REDACTED] to inform the family about the incident that I said "I should not be telling you this". I have apparently told the family that the police had received three phone calls from a taxi driver, someone in a flat close by and a passer-by. It has been said that I informed the family that the incident occurred during a changeover of shifts and that the report was of an African man wielding a machete in the middle of the road. I have apparently told the family that six officers were despatched to the scene, that the officers had spoken to Sheku but he had refused to drop the machete. As a result the officers had pepper sprayed him that Sheku had then moved towards the officers

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and that the police officers used their batons. I have reportedly told the family that Sheku kicked a police woman and stamped on her head. I have then told them that the police officers continued to use their batons and it was at this time they realised Sheku was no longer breathing. CPR was commenced and an ambulance attended and Sheku was removed to hospital where life was pronounced extinct at 0904hrs. In relation to the comment "I should not be telling you this". I do not recall using that language and as per my statement I made it clear that my attendance at the house was to be as open and transparent to the family as I could.

I have been asked if I provided the family with details of who contacted the police reporting the incident involving Sheku. I did tell the family that the police had attended the incident as a result of a number of calls however I did not provide the family with specifics as to who those individuals were or where they were from. I have been asked if I informed the family at the meeting if the incident had taken place during a changeover of shifts and that the report was of an African man wielding a machete in the middle of the road.

I cannot recall telling the family that it had been during a changeover of shifts however I may have, what I did tell them was that the incident involved a black man in possession of a knife. I cannot recall and it is not language I would use saying African man and the words wielding or machete.

In relation to myself apparently telling the family that six officers attended at the scene that officers pepper sprayed him and that Sheku continued to move towards the police officers and that they used their batons. I did confirm to the family that there was a minimum of six officers who attended and that CS spray was discharged and that batons had been drawn. I did not use the term pepper spray it is not a term I would use.

I did mention to the family that batons had been drawn however I did not say that they had been used as I did not know that information at that time.

I have been asked if I said to the family that Sheku kicked a policewoman and stamped on her head. I did tell the family that during the incident a police woman had been injured but I do not recall providing them with any more information regarding this.

I did not tell the family that the police continued to use their batons however I may have said that CPR had been commenced and that Sheku had been taken to hospital by ambulance.

I have been asked why I told the family that I could not answer their question about why the police had not disarmed Sheku at the time. The reason I said that was because I was unaware of the full facts as to what actually took place as I mentioned earlier I did not speak to any of the officers about that side of it.

I have read over my statement and do not wish to add or make any amendments

This statement is a true and accurate record.

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WITNESS STATEMENT

Signed :

(Witness)

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WITNESS STATEMENT

CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : MCEWAN      Forenames:      Garry  
Alias/known as :

Place of birth :      Age : over 18

Home address :      Telephone :

Post code :

Business address :      Telephone : [REDACTED]  
Police Scotland  
Glenrothes Police Office  
Detroit Road  
Glenrothes

Post Code : KY6 2RJ

Mobile : [REDACTED]  
Email : [REDACTED]

Fax/Pager :  
Other :

Dates when unavailable in next 12 months :

Other Confidential Material :