

WITNESS STATEMENT

Agency Ref :S374
PF Ref :

Surname : AGNEW Other or previous surname :

Forenames : David DoB : [REDACTED]/1978 Age : 39

Occupation : Physical Education Officer - Police Staff Other Occupation :

Police Station : Years Service : 14

Disclosable address : C/O POLICE SCOTLAND
Tulliallan Castle

Police Scotland
Kincardine

Post Code: FK10 4BE

This statement was taken :

Date and time : 6th of February 2018 10.20

By : TIO ASHLEIGH LEITCH
Place : Tulliallan, Police Scotland

In the presence of : IO STUART TAYLOR

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 the above named person and I can be contacted at an address known to the Police Investigations and Review Commissioner (PIRC). I have been visited today, Tuesday 6 February 2018 by Trainee Investigator Ashleigh Leitch and Investigator Stuart Taylor of the PIRC, Hamilton. I have had the role of the PIRC explained to me, which I understand. I am aware that I am being interviewed today as a witness and that the PIRC are conducting a Crown directed investigation in to the death of a male known as Sheku Bayoh that occurred in the Kirkcaldy area on 3 May 2015. I understand that I am being asked to provide information in respect of my role as an

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Officer Safety Training (OST) instructor at the several OST courses that took place on 11 November 2014, 2-6 February 2015 and 2-13 December 2013.

I am employed by Police Scotland as a Physical Education Officer and I am a member of Police Staff. I am based at Tulliallan which I have been since 5 January 2014 on a permanent non-deployable basis. I completed a four year Sports Science degree at the University of Stirling which I graduated from in 2000. Supplementary to this, I have a Training, development and assessment Diploma from Napier University and a Teaching Qualification for Further Education (TQFE) from the University of Stirling, both of which I completed in 2015. I have been employed by Police Scotland since 2004 and have always held the role of Physical Education Officer. During this time, I have been given the role of Officer Safety Training Instructor on several occasions. Albeit this role title has not been a constant, the duties I have are the same.

As a Physical Education Officer, the main duties of my role centre around the delivery of PE, OST and First Aid to students. As a PE instructor, I am responsible for the delivery of sessions to students on exercise, nutrition and lifestyle. I also conduct and assess the National Fitness Test, which is the bleep test used for Probation Officers. I am also responsible for a number of the tasks surrounding these duties on a day-to-day basis.

I am a qualified Officer Safety Training (OST) instructor and have been since February 2004. I completed further training and was qualified in this in September 2005. As such, I am qualified to teach the initial OST training course, the OST requalification annual course and the instructors course.

The initial training delivered to students with regard to OST at the current time is delivered through a one week block in their eleven week programme. There is a morning dedicated to theory, which is in a classroom and is delivered to students using powerpoints. This information is a direct lift from the Operation Safety Training Course Manual (V1.2 created October 2017). Instructors deliver this training to students but all students have access to this manual electronically. Today, I have handed over:

Prod no Police Scotland Officer Safety Training Powerpoint (current)

which is a copy of the powerpoints used at present. The theory side of OST is dedicated 4 period blocks (which equates to 3 hours) in a lecture theatre. At the material time, of 11/11/14 and 02/02/15-06/02/15 I think the initial probationer training course at the college lasted a full 12 or 13 weeks. At this time, OST training was still dedicated with the same amount of time, however the week was divided in to several blocks and not given a specific week teaching time. Students were dedicated a morning of theory teaching, but the practical element was separated throughout their initial probationer course. At both times, there were about 35 hours dedicated to OST initial training. I must confirm that this was done in line with the manual at the time, which I can confirm as

Prod no Probationer Training Officer Safety Training Course Manual

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I have provided investigators with

Prod no Police Scotland Officer Safety Training Powerpoint (historic)

which is a copy of the powerpoints used to supplement the theory side of the OST training at the material time requested. These are available on the business network. The purpose of initial OST training to students is to introduce them to the principles of OST, to make them tactically aware in the operational environment as regards the safety of themselves, their colleagues and any member of the public they come into contact with. This training covers positioning, stance, tactics and utilisation of personal protective equipment. Although this is not exhaustive, it provides an introduction to OST. The powerpoints previously as mentioned are not specific to myself and are available to all instructors at Tulliallan. The civilian staff in the departments are [REDACTED] and myself.

The OST recertification training delivered to students is an annual course, which is delivered during the course of one day. The purpose of the recertification is to provide officers with a refresher on their OST skills and update them on new techniques. The recertification course is different from the initial training in that officers who attend at this already have an understanding of OST as previously delivered. Officers come to their recertification days with a learned knowledge of OST skills and techniques and as such the same level of detail as the initial training is not covered. I must clarify however that all the basic principles are covered and this course is done in line with the OST manual. At present, this is the Officer Safety Training Course Manual v1.2 October 2017, but can confirm that at the time requested by the officers this would have been done in line with the Officer Safety Training Course Manual v2.00 September 2013. The refresher training days allow officers to enhance their knowledge, awareness and skills involved in Officer Safety Training. More recently, I have not been involved in many OST training recertification courses but am qualified to do so. I have delivered a fewer amount of recertification courses since the OST department was fully established at Jackton and resource management. During the recertification, officers spend no more than one timetabled period (30/40 minutes) on Scottish Police Emergency Life Support (SPELS). During this, we cover basic life-saving skills including CPR and recovery position. Previous to students attending at their recertification, they are required to have completed an online Moodle package to cover all other aspects with regards to this. Their result is recorded on the OST checklist for that course. I have been shown

Prod no Current Officer Safety Training annual re-certification course
(Trainers Checklist)

And can confirm that this is the checklist currently used for recording OST requalification courses. All courses follow this document as the training is standardised. These documents are completed for each OST recertification course. Instructors are responsible to fill out this information at the end of the course. Following this, instructors transfer the information contained on the checklist onto the electronic form on the Police Scotland college network (which is accessible by OST nationwide) and thereafter send this to SCOPE administration at Fettes (which is responsible for the East) who process the information and update SCOPE. At present, I think the individuals name is Shona Ormand. From my understanding, it is

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then their responsibility, or their managers responsibility, to update SCOPE with this information. A copy of this is then saved onto the OST file on the instructors personal network which is retrievable. As I understand, the hard copies are destroyed thereafter as the information has been replicated on the police system. After this has been processed, details of the instructors are reflected and populated on SCOPE.

With regard to the SPELS training delivered to students during their initial probationer training, this is a standalone training block and is delivered in two practical and two theory timetabled periods (of each is a 45 minute session which is standard at the Police College). Students are assessed practically on their skills learned and following this are asked questions by their instructor which is recorded on an assessment sheet. This is the same in the current time as it was at the material time questioned. I have been shown

Prod no Spels training package

And I can confirm that this was the package used at the material time for initial training. Students have access to this in their modular notes and supports the theory and practical session. Currently, students are taught SPELS Training Package, this is an updated version of the above named document.

I have handed to the investigators

Prod no Scottish Police Emergency Life Support (SPELS) - Modular Student Notes (Current)

Which is the equivalent SPELS training package which is available to officers currently on the force intranet, which is used as a source document for initial SPELS training. The content of the SPELS course taught at the initial training course is contained within these documents.

Prod no SPELS Assessment Form (current)

Which is a copy of the assessment form currently used at SPELS initial courses. I must note that this has been amended in 2017, but I can categorically say the assessment form was changed in 2016. From the form I can see that 'Positional Asphyxia' and 'Acute Behavioural Disorder' are detailed on the form, which have replaced 'Respiratory Distress' and 'Epilepsy' (which were detailed on the previous assessment forms). I must clarify however that although the form has changed, the content of this was covered thoroughly during OST training (theory and practical) and the OST exam at the material time. These medical conditions have always been taught and examined. The assessment forms are retained within the SPC.

The Officer Safety Training Instructor Course is the course which is used to teach students how to become an OST instructor. This course has changed between 2 ½ weeks and 3 weeks during my time as a qualified instructor. The instructor training course is taught in line with the OST Course Manual. I must point out however that I have not been involved in the delivery of an OST Instructors Course since December 2014. At the time when I delivered this course however I can confirm that the same document used was the Officer Safety Training Course Manual v2.0 September

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2013. Instructors are taught to teach students how to deliver these skills. Instructors teach students presentation skills (how to deliver theory, engage the audience, how the relate to the reading materials), coaching skills (how to deliver and enhance OST skills to students in numerous ways) and how to actively and successfully observe a practical classroom. At the college it is common to leave up to 75 students training at one time during an OST session and as such a lot of this training is learned 'on the job'. Students on the instructor course are taught to develop and enhance teaching skills to ensure students are competent in their own skills. Essentially, students learn how to deliver and demonstrate the OST skill they are teaching. In terms of the delivery of techniques, students are asked to show an awareness of the technique by demonstrating it, break the components of this down, ensure that they have an understanding of this, attach any health and safety considerations to this specific technique, ask the group set to practice the demonstrated technique and thereafter observe these students, with a view to identify whether instructor students identify any issues raised in the practice session. At the course, Instructors do teach students how to cover every technique in the manual and how to deliver this. The running order of these sessions is contained in

Prod no Instructor training course timetable

Which documents the timetable for the OST Instructor Course as I delivered it. I must highlight that students are taught how to identify health and safety concerns regarding both the classroom itself and the risks associated with the individual techniques. Students are formatively assessed during the course of the training on each section. Although there is an OST theory assessment on the first day of the course which is a written examination on all theory modules within the manual, there is also a final summative assessment students must pass for completion of the course.

During the time I was involved in the delivery of OST instructor training each student, as the gold standard, was required to complete the First Aid at Work course during their instructor training. As I am no longer involved in the instructor training, due to the movement of OST to Jackton in the dedicated unit I cannot speak to how this is delivered now. This would be documented on an individuals SCOPE record.

Today I have handed over:

Prod no National Officer Safety Instructor Course - Course Notes

Which is a document I created which was distributed nationally to all instructors delivering the Instructor Training OST course at the material time. Some of the information contained within was forwarded to me by OST Jackton and OST Fettes, but I can confirm I was the author of this document and was instructed to do so by Jim Young at Jackton. The date on this is 14/11/2013, this was the last time I had any involvement in this document. This was the only additional document that I used supplementary to the OST manual on the course at this time. This was used and disseminated on the last course I did on or around January 2015. There is a specific OST instructor course assessment system on the college assessment network which records all of the information with regards to this training.

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I must clarify that trained Instructors (OST) have no additional expectations placed upon them with regards to operational safety skills on the street. Instructors do not know or have any supplementary skills that other operational police officers trained in OST do not have and as such there is no additional expectation placed upon instructor trained officers operationally, albeit these officers have received this additional training.

I have been asked by the investigators to provide information regarding the medical conditions and considerations input in the additional probationer training. I must confirm that I taught this alongside the Officer Safety Training Manual at the time (v2.00 September 2013) pages 23 and 24. I would also refer to

Prod no Police Scotland Officer Safety Training Powerpoint (historic)

Which I have provided to the investigators. I would discuss Positional Asphyxia and excited delirium in line with this document. There was a 30 minute theory input on this which is very comprehensive to officers. This is the same time frame which is dedicated to the input at present. Although there is dedicated time to this I must re-emphasise that medical conditions are continually referred to during the course of the OST practical input when teaching each technique and how these medical conditions may have an effect on the OST tactics used.

With regards to the changes from the material time in question to now, I must state that this section is still taught in line with the dedicated OST Manual's chapter on Medical Implications and Mental Health (Module 4) and is contained within the students assessment. Sometime in 2015, I cannot be certain of the date, excited delirium was replaced with acute behavioural disorder and although I can confirm that all the information previously taught is still delivered to students, I do note that there are now discussions on the introduction of new psychoactive substances (NPS) and their interplay with OST techniques.

In respect of the Instructor OST Course, students are continually reminded of medical conditions and considerations with regard to OST techniques. In my experience, I would estimate this almost to be even more so than in the initial training to reemphasise to the student instructors how important these factors are. There is a discussion on medical considerations (positional asphyxia and excited delirium, now acute behavioural disorder) at the start of the course but this is continually referred throughout the rest of the course when delivering demonstrations of each individual technique, and discussions are had surrounding the risk factors with regard to these considerations when employing said OST tactics.

I have been asked by the investigators if I was the instructor on the Officer Safety Training Instructor Course at Tulliallan on 02/12/2013 - 13/12/2013. I can confirm that I was the instructor on this course. I have checked the OST instructor assessment system and have confirmed this information. This system is maintained solely at the Police College by staff on campus here. I can confirm the location of this course is the Scottish Police College. I think it was [REDACTED] who instructed this course alongside myself. I have been asked by the investigators if I have any memory of who was on this particular course. Due to the passage of time I do not,

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however I have been asked if I have any personal knowledge of PC Alan Smith. I do not know this individual. However, I have provided the investigators with

Prod no OST Instructors Course (course registration form) - PC Alan
Smith 1035

Which is the module/course registration form. This document details the above named individual was present on this course. I can confirm that the person named also successfully passed this course. The course was taught as per the content discussed previously and the manual.

I have been asked by the investigators if I was the instructor on the Officer Safety Training Initial Course at Tulliallan on 02/02/15-06/02/15.

I have checked the Scottish Police College assessment system, which is maintained on site at this campus, and I can confirm I was the instructor at this course. From this I can also confirm the officer was competent and successfully passed all aspects of the course. I cannot recall who the other instructing officer was on this course, but it would have been one of the previously mentioned OST civilian staff members or an OST seconded police officer. Again, I can confirm that this course was done in line with the content previously discussed. I have been asked by the investigators if I have any personal knowledge of PC Kayleigh Good. Although I have no memory of this individual, as discussed above after consulting the system I can confirm she was present at this course.

I have been asked by the investigators if I was the instructor on the Officer Safety Training Recertification Course on 11 November 2014 at Tulliallan. After consulting the previously discussed IT systems I must note that I am not noted as having instructed a recertification course on this date. I must also state there was no OST recertification courses held at the Scottish Police College on that date, however I can see there was a course held at Fettes. I have been asked by the investigators if I have any personal knowledge of PC James McDonough, which I do not. I have checked the system for the names of officers who attended at the recertification course at Fettes on this date and this individual is not listed as having being in attendance. I have also checked the system for that date for initial probationer training OST courses. I can see there was a course running at this campus on that date, however I cannot recall if I was instructor on this and this is not listed on the system. I have checked to establish whether PC James McDonough is listed as having being present at this course and can confirm that this name is not listed on this either.

I have been asked by the investigators if at the material time there was anything taught, or said in training regarding drug induced psychosis. I can confirm that this was not taught as a specific separate entity, however we would cover drugs, alcohol, mental illness in the medical conditions and considerations sections of the training as per the manual. This teaches students to identify signs and symptoms of these, and if the level of threat and that if the officer is in jeopardy the officer can use a multiple variety of OST techniques. I am aware however, that this module does discuss specific drug intoxication in the excited delirium section. We do inform students to

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identify and establish any previous drug use and to factor this in to deciding which technique to use.

I must confirm officers are taught that if they consider an individual to be suffering from excited delirium/ABD they must be considered a medical emergency and transported to the hospital as soon as possible. With regards to the Use of Force SOP, this is not a document I would utilise during the course of either the initial probationer training course or the instructor training course, however I expect students to have an awareness of this before attending at either course and note that there is a section on Use of Force in both OST manuals. We discuss the PLANE principle (proportionate, legal, accountable, necessary and ethical) and all officers must justify use of force and preclude that it is necessary. This is examinable at the OST exam. I would expect officers to acquaint themselves with these SOPs previous to the training. I can confirm this is a true and accurate record.

Signed :

(Witness)

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WITNESS STATEMENT

CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : AGNEW Forenames: David
Alias/known as :

Place of birth : Age : over 18

Home address : Telephone :

Post code :

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Kincardine Telephone : [REDACTED]

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Dates when unavailable in next 12 months :

Other Confidential Material :