

3 May 2015

Briefing Note for Director of Investigations

Death in Police Custody Sheku Ahmed Tejan BAYOH Aged 31

Background Information

The now deceased Bayoh (31), Born in Sierra Leone, 30 September 1983, resides with his partner, witness Collette Bell and a young baby at Collette Bell's address at Arran Crescent, Kirkcaldy. [REDACTED]

The now deceased is believed to have an association with two males, namely,

Martin DICK, Dick/Macleod home address [REDACTED] and

Zahid Saed, Saeed home address [REDACTED]

who are witnesses to two prior incidents leading up to the confrontation between the now deceased and the police.

Circumstances Leading to Incident

On the evening of Saturday 2 May 2015 it is believed that the now deceased went to the home of Martin Dick at Dick/Macleod home address [REDACTED]. About 2340 hours the now deceased was within the house, reportedly under the influence of drink and/or drugs. It is believed that the now deceased, Dick and his other associate Saed had attended there to watch the boxing match on television which was due to commence about 0400 hours the following morning.

About 0500 hours it is believed that an argument, not further described, started within the house between Saed and the now deceased. The witness Collette Bell states that she received a telephone call from the now deceased who outlined the circumstances and indicated that he had been 'disrespected' by someone. This subsequently resulted in the now deceased leaving the house with Saed and travelling in Saed's white Seat car to Collette Bell's address at Arran Crescent, Kirkcaldy.

On arrival here it is believed that an altercation took place at this location which resulted in the witness Saed being assaulted by the now deceased. No further details available at this time. At some later stage Saed left the house. Over the next period the now deceased's movements are unknown.

Incident – Involvement with Police

About 0714 hours that morning, Police Scotland received a telephone call from the witness Harry Caldwell who was driving his car in Hendry Road, Kirkcaldy. He reported

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a black male, in possession of a knife, chasing cars at that location. An incident was raised as a Priority 2 (Storm Incident 743 and 745 of 03/05/2015)

About 0715 hours, the witness Linda Lambert contacted Police Scotland and reported a male of a similar description, in possession of a knife, jumping out in front of cars. A third call was received a short time later from the witness Joyce Joyce describing a similar set of circumstances.

At this time, the shift at Kirkcaldy Police Office was about to change and officers were assembled at the muster. A number of uniform officers and two plain clothes CID officers attended the locus, described as Hayfield Road near to Hendry Road, Kirkcaldy. They attended in a variety of vehicles, including a marked police van.

It was reported that as the officers drove into Hayfield Road they saw the now deceased coming towards them as the vehicles came to a halt. They could clearly see he was in possession of a knife and was making his way towards them. Some of the officers, unknown how many at this stage, drew their police issue batons. At least one of the officers also drew their Pava spray and issued a warning to the now deceased, who continued to come forward. Pava was subsequently sprayed towards the now deceased, however this had little effect, there is some reference to him laughing at the officers. It was also reported that one of the female officers was apparently kicked in the back and also sustained a blow to the back of her head. She sustained no serious injury as a result but complained of pain.

As the Pava had little effect, a number of the officers struck the now deceased with their batons. It is unknown at present how often he was struck or how many officers struck him. A struggle then ensues and the now deceased was eventually taken to the ground where he was handcuffed to the rear. Due to his constant struggling, leg restraints were also applied to him.

About 0730 hours, while still on the ground it was reported that one/a number of the officers saw that the now deceased had lost consciousness. An ambulance was summoned and the officers attempted CPR. The ambulance personnel arrived at 0732 hours and took on CPR. The now deceased was then taken into the ambulance at 0738 hours and was thereafter taken to Kirkcaldy Victoria Hospital.

On arrival at the hospital there were no apparent injuries and medical staff continued to treat the now deceased within the resuscitation room. However, he was subsequently pronounced life extinct at 0904 hours and transferred a short time later to a side room of Accident and Emergency where officers stood by him. The ambulance used to convey the now deceased to hospital was taken out of service and is due to be photographed.

All the police officers directly involved in the incident, nine in number, attended at Kirkcaldy Police Office where an officer was appointed to deal with all related welfare issues. Representatives from the Scottish Police Federation also attended the office to support them and provide advice. The federation representatives advised that at this time not to provide operational statements. They were subsequently updated that their status as far as PIRC was concerned were 'witnesses, however their position remains the same at present.

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The officers involved in the incident are as follows:

1. DS 918 Samantha Davidson
2. DC 405 Derek Connell
3. PC 694 Alan Paton
4. PC 523 Craig Walker
5. PC 523 Daniel Gibson
6. PC 691 Ashley Tomlinson
7. PC 203 Kayleigh Good
8. PC 349 Scott Maxwell
9. PC 435 James McDonagh
10. PC 1014 Nicole Short
11. PC 1035 Alan Smith

As indicated, Police Scotland report nine officers involved, however the list of officers provided at a late stage lists eleven. This will require clarification with the SIO.

Subsequent Police Action/COPFS

In response to the circumstances, Police Scotland secured the location at Hayfield Road. At some stage officers removed the knife, believed to be in possession of now deceased, from the ground at locus, along with three police issue batons. The reason for doing this was reported as due to the inclement weather. An officer apparently photographed the knife on his personal mobile telephone before removing.

A cordon was put in place until the locus was examined under the supervision of PIRC Scene Manager. Likewise, the room at the Victoria Hospital was treated as a scene for examination.

Detective Superintendent Pat Campbell (Mobile [REDACTED]) was appointed as the Senior Investigating Officer and Chief Superintendent Gary McEwan the Police Incident Manager.

Police Scotland later made visits to the home addresses of the witnesses Bell, Saed and Dick and took statements from them. Subsequent examinations have been made of these locations for any evidence and were still on going when we left. Police Scotland also contacted the sister of the now deceased, Kadi Johnston, and made her aware of the circumstances. Police Scotland intimated at an early stage that they were placing Family Liaison Officers, namely DS Kevin Houlison and PC Sarah Jane Bell. One of the actions allocated to them was to identify relevant and willing family members to carry out the identification at the Post Mortem. However, this did not take place (See PIRC Action).

At a later stage, a member of the public residing near the locus in Hayfield Road approached police officers and revealed that she filmed the latter stages of the confrontation in the street on her iPhone from a window. This apparently shows part of the struggle where the now deceased is fast strapped. The phone was taken possession of and footage is being downloaded.

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As indicated, to date the police officers directly involved with the now deceased have not provided operational statements. The clothing, footwear and officer safety equipment worn by the officers was seized as productions.

PIRC Action

Mr David Green, SFIU West was on call for COPFS and was made aware of the initial circumstances. About 0935 hours, Mr Green contacted Deputy Senior Investigator Keith Harrower, On Call Officer for PIRC. Mr Green was only in possession of a very brief account of the circumstances, but directed PIRC to investigate the initial police contact with the now deceased and the circumstances surrounding his death. Mr Green was fully updated by Detective Superintendent Campbell and DSI Harrower at a later stage. At this time he was happy for Police Scotland to continue their investigations of the earlier matters, prior to the incident in Hayfield Road. A formal letter of instruction will follow from Mr Green in due course.

DSI Harrower made contact with Senior Investigator Richard Casey and apprised him of the circumstances. SI Casey dealt with matters related to subsequent media releases.

DSI Harrower, Investigators Ferguson, Sinclair, Taylor, McGuire and Rhodes attended at Kirkcaldy Police Office. They subsequently attended meetings with Police Scotland Senior Management, Scene Managers and SPA staff. Forensic and scene strategies were agreed and subsequently overseen by PIRC. An update was provided that the only obvious injury on the now deceased was a minor abrasion on his head.

Investigators Ferguson and Taylor dealt with the hospital scene and subsequent removal of the body to Edinburgh Mortuary. Investigators Sinclair and Rhodes dealt with the scene at Hayfield Road and associated issues, including productions seized at Kirkcaldy Police Office, such as police officers clothing, Pava Spray, batons etc. It was also requested that the female officer's injury was photographed and this was subsequently done. This will be done again tomorrow to identify any bruising. Arrangements were also made at our request to weigh the Pava canisters which had not been done.

Through David Green, a two doctor Post Mortem examination has been organised for Monday 4 May 2015 at the Mortuary, Edinburgh. This will be attended by PIRC Investigators John Ferguson and Stuart Taylor. Police Scotland will also be in attendance. Quasar scanning of the body is scheduled to commence at 1200 hours, Identification of the body at 1300 hours with the post mortem to follow thereafter.

As indicated, FLO's were not deployed by Police Scotland. PIRC established at a briefing about 2045 hours that they had not been deployed and Chief Superintendent McEwan had attended the family home and discussed a number of issues with them. He provided an 'extensive' background on the incident, including that the now deceased had been seen by the public in the street with a knife and his subsequent interaction with police officers where he was sprayed with Pava and batted prior to be taken to hospital and was subsequently pronounced life extinct. He received a very awkward reception from the family and reported that their exposure to a number of

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officers, including him had caused problems. Their view was that deployment of police FLO's would inflame the situation.

After further discussions with him and ACC Nicolson, DSI Harrower and Investigator McGuire made arrangements to call and see the family to defuse a growing situation. They met with the family about 2210 hours and met with a group of about 18 to 20 persons in the house, led by the nominated family spokesperson Adi Johnston and the now deceased's sister Kadi Johnston.

PIRC received a frosty reception and tensions were clearly high. The family reported that they were angered and frustrated by differing and conflicting information provided by Police Scotland officers, including Chief Superintendent McEwan and intended to make a complaint regarding this. We advised them of our role and how the investigation would progress under direction of Crown which they fully understand. They have refused collectively for any member of the family to attend the post mortem to identify the body as they are waiting for relatives and 'Elders' to attend from England. Clearly, this raises significant issues. At this stage they do not intend to change their mind. Adi Johnston intends to go to the media and consult with local councillors regarding these issues.

The SIO and Mr Green were made aware of these issues. However, Mr Green intends to progress with the post-mortem as arranged and will make alternative arrangements through the SIO to have officers identify the body. Mr Green was made aware that attempts would be made to discuss matters further with the family in the morning to seek a resolution.

Keith Harrower
Deputy Senior Investigator

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