

WITNESS INTERVIEW STRATEGY

in relation to the death of

SHEKU AHMED TEJAN BAYOH

D.O.B. 30/09/83

Police Witnesses:

- PC [REDACTED] Alan Paton
- PC [REDACTED] Craig Walker
- PC [REDACTED] Daniel Gibson
- PC [REDACTED] Ashley Tomlinson
- PC [REDACTED] Kayleigh Good
- PC [REDACTED] Scott Maxwell
- PC [REDACTED] James McDonagh
- PC [REDACTED] Nicole Short
- PC [REDACTED] Alan Smith

SUMMARY

About 0715 hrs on Sunday 3 May 2015, Police Scotland received a number of telephone calls from members of the public reporting a black male in possession of a knife on Hendry Road, near to Hayfield Road, Kirkcaldy.

At this time the shift at Kirkcaldy Police Office was about to change and officers were assembled at the muster.

Nine uniformed officers (namely PC [REDACTED] Alan Paton, PC [REDACTED] Craig Walker, PC [REDACTED] Daniel Gibson, PC [REDACTED] Ashley Tomlinson, PC [REDACTED] Kayleigh Good, PC [REDACTED] Scott Maxwell, PC [REDACTED] James McDonagh, PC [REDACTED] Nicole Short and PC [REDACTED] Alan Smith, attended the location in various police vehicles.

It was reported that as the officers drove into Hayfield Road, Kirkcaldy, they saw the male walking towards them and that he may have been in possession of a knife (Comment: It may be that the knife was discarded before this). The officers (exact details unknown) exited their vehicles. It was reported that the male punched, then kicked, PC [REDACTED] Nicole Short. Some officers drew their police issue batons. Some of the officers also drew their PAVA and CS Sprays, which were subsequently sprayed towards the male, however it is believed that this had little effect.

It is believed that some of the officers struck the now-deceased with their batons. A struggle then ensued, and the now-deceased was eventually taken to the ground where he was handcuffed. Leg restraints were also applied to him.

About 0730 hrs same date, whilst still on the ground, the now-deceased lost consciousness. An ambulance was summoned and the officers attempted CPR. He was thereafter conveyed by ambulance to Kirkcaldy Victoria Hospital where medical staff continued to treat him, however at 0904 hrs life was pronounced extinct. The male was later identified as Sheku Ahmed Tejan Bayoh born 30.9.83.

None of the 9 officers involved provided operational statements regarding their involvement in the incident.

PURPOSE OF INTERVIEW

To carry out a planned and structured interview of the police witness to achieve a detailed account of their movements, intentions and actions leading up to, during and immediately after contact with Sheku Bayoh on Sunday 3 May 2015. Additionally, to obtain details of the post incident process and what discussion, if any, was held between the officers regarding the incident. To obtain details of briefings and other information provided to the officers by Federation Staff and senior officers of Police Scotland.

If the officer makes a comment/statement which appears to incriminate themselves, then the interview is to be stopped and guidance sought from the lead investigator. You will not administer any caution or SARF process except on the instruction of the lead investigator. A decision will be taken regarding the continued status of that officer.

Initially request the police witness to verbally recall their recollection of the events on Sunday 3 May 2015 prior to noting any statement.

NOTE : PIRC Investigators will, if they take rough notes of the interview, submit these as productions.

BACKGROUND OF OFFICER

Service:

Shoulder No:

Registered No.

OST Trained: (YES/NO)

Last Re-qualified Date:

Office where stationed:

Current duties:

DESCRIPTION OF OFFICER

Age:

Height:

Build:

Hair Colour:

Hair length/Style:

Appearance changed in any way since 3 May 2015:

INTRODUCTION:

Ask the officer to provide, in their own words, details of their duty on Sunday 3 May 2015. If necessary, ask the following questions for clarity if the officer does not provide such information.

- Q. Were you working on Sunday 3 May 2015?
- Q. What shift were you working that day?
- Q. What office were you working from?
- Q. What time did you get to your work?
- Q. What duties were you carrying out on that day?
- Q. What did you do when you entered the office?
- Q. Were you aware who you were working with that day?
- Q. When did you find this out?
- Q. Did your duties involve usage of a police vehicle?
- Q. Can you explain and describe the uniform that you wore on that day?

MUSTER:

- Q. Did muster take place?
- Q. Who attended?
- Q. Who carried out same?
- Q. What supervisors were present?
- Q. Were any instructions given to you and if so by whom?

Incident Attendance

Ask the officer to provide, in their own words, details of their attendance at the incident on Sunday 3 May 2015. If necessary, ask the following questions for clarity if the officer does not provide such information.

Knowledge of Locus:

Q. When you heard the call, did you know where Hendry Road/Hayfield Road was?

Knowledge of Incident:

Q. How did you become aware of the incident?

Q. Where were you when you found this out?

Q. Were you instructed to attend this location?

Q. Who instructed you?

Q. How did you get to the location?

Q. If a vehicle, what type of vehicle?

Q. Who was in the vehicle with you?

Q. Who was driving?

Q. Did you receive any updates whilst attending the location?

Q. If yes, what updates did you receive?

Q. Who gave you these updates?

Q. How did you receive them?

Q. Did anyone else in the vehicle get updates?

Q. If so who and what were the updates and from whom?

Q. Did you discuss the call with anyone on your way to the locus?

Q. What did you discuss?

Q. How long did it take to arrive at the locus?

ARRIVAL AT LOCUS:

Ask the officer to provide, in their own words, details of what they saw on arriving at the incident scene. If necessary, ask the following questions for clarity if the officer does not provide such information.

If necessary ask the following specific questions.

(This is to ascertain from the witness their involvement at the locus with the deceased and their recollection of events and the actions of other officers)

- Q. Describe what you saw when you arrived at the locus.
- Q. When did you first see Sheku Bayoh?
- Q. What was he doing?
- Q. What was he wearing?
- Q. Was he in possession of anything?
- Q. Was he in possession of a knife?
- Q. If yes, where was the knife?
- Q. Were there any other police officers there?
- Q. If yes, where?
- Q. Were there any other police vehicles there?
- Q. If yes, what type?

MAP:

Q. Indicate on the map (production), to the best of your recollection, the position of any vehicles and persons at the locus.

Initial Dealings with Deceased

Ask the officer to provide, in their own words, details of what they did when initially interacting with the deceased. If necessary, ask the following questions for clarity if the officer does not provide such information.

- Q. Did you get out of the police vehicle?
- Q. What did you do?
- Q. Did anybody else get out of the police vehicle?
- Q. What did they do?
- Q. Did you approach Sheku Bayoh?
- Q. Did you say anything to Sheku Bayoh?
- Q. Did he say anything to you?
- Q. Did you hear anybody else say anything to Sheku Bayoh?
- Q. Did you hear Sheku Bayoh say anything to anybody else?
- Q. What happened next?

Arrest and Restraint

Ask the officer to provide, in their own words, details of how they arrested and restrained the deceased. If necessary, ask the following questions for clarity if the officer does not provide such information.

- Q. Did you use your PAVA/CS Spray, baton, handcuffs or leg restraints during the incident?
- Q. If yes, when?
- Q. What did you do with your PAVA/CS Spray, baton, handcuffs or leg restraints after the incident?
- Q. Did you see any other officer using their PAVA/CS Spray during the incident?
- Q. Which officer was that?
- Q. Describe what that officer did?
- Q. Did you see any other officer using their baton?
- Q. What officer was that and what did they do with their baton?
- Q. Did you see any other officer using their handcuffs during the incident?
- Q. What officer was that and what did they do with them?
- Q. Did you see any other officer using leg restraints during the incident?
- Q. What officer was that and what did they do with them?
- Q. How did Sheku Bayoh react?
- Q. Did you have any physical contact with Sheku Bayoh?
- Q. What contact did you have with him?
- Q. Did you see any other officer have physical contact with Sheku Bayoh?

Post arrest and medical care

Once it was discovered that the deceased was having breathing or other difficulties, ask the officer to provide, in their own words, details of what these were, what they saw and did. If necessary, ask the following questions for clarity if the officer does not provide such information.

- Q. Can you explain your involvement after this?(obtain detailed account of officers recollection of their and other officers contact with Sheku Bayoh)
- Q. Did an ambulance attend?
- Q. Where were you when the ambulance arrived?
- Q. What did the ambulance crew do?
- Q. Did you assist the ambulance crew?
- Q. Did you see any other officers assist the ambulance crew?
- Q. What did you see them do?
- Q. What happened to Sheku Bayoh?
- Q. Did you go to the hospital?
- Q. If yes, how did you get there?
- Q. Did you see anyone else go to the hospital?
- Q. If you did not go to the hospital where did you go?
- Q. How did you get there?
- Q. Who was with you?

Post Incident procedures

Ask the officer to provide, in their own words, details of what happened on their return to Kirkcaldy Police Office. They should provide detail of the post incident processes at the office, what was discussed, who they interacted with, etc. If necessary, ask the following questions for clarity if the officer does not provide such information.

RETURN TO KIRKCALDY POLICE OFFICE: (Obtain detailed account of officers recollection of events when they returned to Kirkcaldy Police Office. This is to include where they went, who they spoke to (Colleagues, supervisors and Federation Representatives) and what was said)

- Q. What time did you return to Kirkcaldy Police Office?
- Q. Who was with you at this time?
- Q. Where did you go when you returned to the Police office?
- Q. Who did you speak to?
- Q. What did you speak about?
- Q. What did you do with your PAVA/CS Spray, baton, handcuffs and leg restraints
- Q. Did you complete a Use of Force Form or Use of CS/PAVA Form? If not why not? Who told you not to complete these forms?
- Q. Were you with a group of other officers.
- Q. Was a Federation representative at the office on your return or shortly afterwards. What did this person say to you?
- Q. You remained in the Canteen area for two hours between 0900 and 1100, during this time two federation representatives were present,. What was said and discussed, what advice was given to you by them?
- Q. About 1130 hours Chief Inspector Tricket arrived. What did he say to you, what was discussed?

Notebooks

- Q. Statement by PIRC: We have examined your police notebook (production) and observe that there are no entries in relation to the incident, Why is this?

Dependent on response to this question

- Q. Who told you to make no entries?
- Q. What was the discussion surrounding this matter?
- Q. Was this a collective decision or an instruction by a Fed Rep or Senior Officer? If so, who was this person?

Other ancillary details to be obtained

- *KNOWLEDGE OF DECEASED:*

- Q. Did you know Sheku Bayoh?
- Q. How did you know him?
- Q. When was the last time you saw him?
- Q. Did you speak to him?
- Q. What did you speak about?

- *CS/PAVA SPRAY:*

Ask the officer to provide, in their own words, details of their use of CS or PAVA spray during the incident. If necessary, ask the following questions for clarity if the officer does not provide such information.

- Q. Do you have your own PAVA/CS Spray if so is it PAVA or CS Spray?
- Q. Where did you get your PAVA/CS Spray from?
- Q. Did you complete any paperwork when you got your PAVA?
- Q. Who gave you the PAVA?
- Q. Was it weighed prior to being issued to you?

- Repeat as per CS/PAVA Spray:

AIRWAVES: (To include knowledge of unique serial numbers)

- Q.
- Q.
- Q.

BATONS: (To include knowledge of unique serial numbers)

- Q.
- Q.
- Q.