

**SHEKU
BAYOH
INQUIRY**

The Sheku Bayoh Public Inquiry

Witness Statement

Kirsty MacLeod or Dick

**Taken by [REDACTED] on MS Teams
on Friday 2 December 2022**

Witness details

1. My full name is Kirsty Dick. My date of birth is in 1988. I am 34. My contact details are known to the Inquiry.

Previous statements

2. I provided a statement to police on 3 May 2015 (PIRC-00053) and then two statements to PIRC on 6 May 2015 (PIRC-00052) and 8 July 2015 (PIRC-00054).
3. I've got a recollection of what the statements were about. The police statement was in relation to my friend Sheku Bayoh who I call Shek. The one on the 6th of May was in relation to how the police handled the situation because complaints were coming in about the police. The one in July was more about Shek's character.
4. The PIRC had tried to contact myself, Martyn and Zahid and I was the only one who gave the second statement to PIRC. I told Martyn the questions they were asking and Martyn said Shek's personality has nothing to do with how he died and said he's not talking to them.

Signature of witness.....[REDACTED].....

5. I have been told parts of my statement on 8th July and it sounds like it's also about how the police handled the situation. Maybe I just got them mixed up.
6. I told the police and PIRC the truth in the interviews. I gave accurate accounts to the best of my recollection at the time. I read over and signed the statements.
7. For the part on the 3rd and 4th of May my memory was relatively quite good. It's been a long time so everybody's memory does fade away. Certain events have stuck in my mind.
8. My phone wasn't seized. Martyn's phone was seized. I think because there had been communication between Martyn, Zahid and Shek after Shek left the house. I didn't have any communication with them.

3 May 2015

9. I remember waking up just after 1pm in the afternoon. I remember it was just after 1, I've got it in my head it was 1:07 when the police came to the door. I had a text message from Zahid saying he was on his way up with the police. Then we got up and went downstairs. Within minutes the police were at our door.
10. There were maybe 8 of them in the house. I remember seeing Zahid sitting in the police car outside. He was in the back. They said they wanted our help with something that happened with Shek the night before and if we could go help them.
11. Martyn and I were separated pretty much as soon as the police came in. I went up the stairs and I went into the bathroom to change as I still had my

Signature of witness..........

pyjamas on. A police officer stood outside the room. Martyn went to the bedroom and a police officer stood outside the door.

12. When we were leaving we asked about the house because they wanted keys. They said that we would get back in and that was fine. They said they needed the house just because Shek had been in the house the night before. I don't remember if they said what they wanted to do with the house.
13. We didn't question anything. There were so many of them and I was just awake so I was a bit disorientated. We didn't ask anything we were just like "ok". There were no questions from myself or Martyn to question anything.
14. We were a bit in shock with all the police officers. I panicked a bit because something has happened to my friend I had questions but before I got to the police station I didn't question anything. I felt like something had gone down but there were so many officers and nobody spoke to me. They were all just standing there. I felt intimidated.
15. I got taken to the police station in a separate car from Martyn. When we got to the police station we were still separate. I got taken into a room and there was two officers sitting and they said they needed help with an incident that happened with Shek. I asked what happened and they said they don't know. They said they needed our help. They said they didn't know if Shek was ok. I got them to ask in the police station what happened. One went out and then they came back in and said Shek had died.
16. So I answered all the questions they had for me. They never said he'd died after dealing with the police. They said they needed help with what happened the night before. The questions were a lot about what happened on the night. For example were any substances taken at our house and if I'd known if Shek had taken anything. They asked what kind of drugs he took. They

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asked about the events afterwards. Shek and Zahid had left the house, I knew about that. It was along the lines of as much detail as possible.

17. At the time I was fine with the questions because I wasn't aware of the circumstances. Now looking back it wasn't fair because of what they were asking about in the circumstances. They were asking questions that didn't put Shek in a good light because of how he had been in our house before the incident. The questions they were asking were under false pretences,.
18. I don't think they took any swabs. Not that I can remember.
19. After the questions I was allowed to go and I waited for Martyn because he wasn't finished. I was sitting on wall outside. Martyn came out and said nobody told him anything. I then had to tell Martyn that Shek was dead. It was heart breaking because he was his best friend. Then we wanted to get home and we asked about the keys.
20. We finished at the police station between 5 and 6, maybe 6 o'clock.
21. We went back to [REDACTED] house while we couldn't get into our house. I wasn't driving. We couldn't get Martyn's van to take to [REDACTED] So two police officers gave us a lift to [REDACTED] to [REDACTED]

4 May 2015

22. I remember on the 4th of May there was a lot of us trying to speak to somebody at the police to get our house back. There was a lot of phone calls of being told someone would phone us back. I remember being at [REDACTED] house and it being a lot of phone calls and nobody calling us back to let us know. The next thing I remember is being at the house and standing in the kitchen and being handed a bit of paper by the police officers.

Signature of witness.....[REDACTED].....

23. It was at the back door. They put it onto the ironing board at the back door. I remember being home and feeling relieved to be home. I can't remember what was on the bit of paper. It must've been what was served to us about what they'd found in the house. But I was just I was just relieved to be home. The officers were at the back door and we were at the sink which was next to it.
24. It was after tea time, I know that because we tried to get the house back all day. It was an all-day thing trying. I have been told it may have been 6:39 pm. I would say that would be about right.
25. I don't remember what they said to us at the back door. I don't remember what Martyn and I said to anyone. My memory is just standing at the back door with the paper. It's been such a long time.

6 May 2015

26. I don't think the police came back. I think the next thing was the visit by PIRC. I have been told my first PIRC statement was recorded as being taken at 15:25 on 6 May 2015. I can remember where I was sitting and I have a vague recollection of what the officers looked like. I think they might have given us a call. I can't remember. It wasn't just a case of them turning up and chapping the door. There was something but I can't remember what. But I feel like there was contact before for us to speak to them. Then it was set up that we were going to be giving a statement.

8 July 2015

27. I have been told my second PIRC statement is recorded as being taken on 8 July 2015. There's nothing off the top of my head I can remember about that day. They said they had follow up questions and didn't want to go over what I'd gone over previously but had follow up questions which I answered.

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28. I remember it was in my house. Martyn was working. I don't remember the questions they asked. I just blocked that out. It's more the events itself not the interviews after.
29. I remember a lot of the questions were the same as what I'd give to the police. They wanted as much detail as I could remember about what happened and what I'd known to happen. They asked about Zahid, Shek and what I knew about them coming back to our house. Then it was about what happened in the house. But I felt it was more to do with the night. I felt like I just repeated my statement.
30. They explained that they were ex-officers there to investigate how the police had handled the situation. They said because it was a death in police custody they get called in to investigate it.
31. If I recall correctly they tried to take a third statement from me. That was rejected by me, I didn't want to give another statement.
32. There wasn't a great deal of trust in the PIRC by the point they asked for the last statement that I refused. I was hopeful in the first statement with PIRC but by July I remember not feeling a great deal of trust in them. It was because of the stories being circulated, how the police were putting things to the media, how Shek was being portrayed.
33. I felt the questions were more to do with the impression that we could give of Shek that night than them being completely than being neutral. The stories were going around in the media and it didn't feel like they were trying to find out what was really going on. The media stories didn't give me trust. I didn't trust PIRC knowing they were ex-police officers as well. They were taking statements from us but couldn't get police officers' statements for 32 days. When I was aware of that it felt like they were working together with the

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police. We were doing all we could to learn what had happened to Shek but the PIRC couldn't even get the police officers' statements. So it felt like we couldn't trust them because we couldn't even get that.

34. I remember PIRC hounding us and trying to get another statement from Martyn and Zahid. They chapped on door and left messages. They were phone calls trying to speak to Martyn. It was all just really crap the way it was handled. They came to the house with no explanation. The police didn't even tell Martyn that his friend had died.

DC David Bellingham's account

35. I have been told DC David Bellingham stated to the Inquiry (SBPI-00208 at page 7) the following: *"Certainly, from what I recall initially going in, Martyn and his partner were quite content with us being there and were quite happy for us being in the house. I don't recall if any searching got done at that stage, and then they left and we secured the house."*
36. They didn't explain why they were there. They didn't explain that Shek was dead. There was no explaining about what had happened. They just said they needed our help due to an incident.
37. I wouldn't say we were happy for them to be in the house. We didn't question anything. We didn't fight back and said they're not coming in. There's a lot of officers at the door, we weren't going to say no but we weren't happy to have them in the house.
38. They didn't search as far as I remember. I went upstairs to get changed and then I left. I don't recall any searching. I wasn't told there was going to be searching or shown any search warrant.

Signature of witness..........

39. I have been told DC David Bellingham stated to the Inquiry (SBPI-00208 at page 9) the following: *"From my recollection of that time, they were in the living room and from what I recall, Martyn was probably the one doing the talking. I do remember him speaking and saying he's done a bit of watching the boxing and stuff."*
40. I don't remember that.

Previous PIRC statement dated 8 July 2015

41. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 2): *"1.07pm I just got out of my bed. Martyn was also in the house at that time. Martyn answered the door and let the officers in. There were two uniform policemen and about 6-8 plain clothes officers wearing suits. Initially I was in the kitchen and then I came into the living room where Martyn was talking to the police."*
42. I remember that, a lot were wearing suits. The time is correct.
43. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 2): *"The CID officer said, "We need your house", and they wanted us to go down to the police station at Kirkcaldy to talk to them. At that point I agreed to go to the police station and we were asked to hand over a set of keys for the house. The CID didn't ask permission to do anything but neither Martyn or me really challenged them about it. We just did what they asked us to do. They did not explain why they were taking control of our house or what they were going to do with it. Again, neither Martyn or me asked them any of these questions either."*
44. I don't remember those words they used now but I knew they wanted the house because Shek had been in it the night before. We gave the keys over.

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I wouldn't have given them if I hadn't asked I would have gone with the keys with me.

45. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 3): *"At this time I was still wearing the clothes I had on when Shek was in the house. I asked if I could go and get changed and before I went upstairs they told me to leave out the clothes I had been wearing. They explained this by saying they might have to rule out my DNA from Shek as I had earlier told them that I had cuddled Shek when he arrived at the house that morning."*
46. The clothes I was wearing was pyjamas. I was working until about midnight. Martyn was working to about 2am. Shek and Zahid came after Martyn. I was already in my pyjamas before they came home. I don't recall talking about the DNA.
47. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 3): *"Martyn went upstairs to our bedroom to get changed. One of the CID officers went with him and stood outside the door. I got changed in the bathroom and I think there was another officer standing out on the upstairs landing as well. Once I got changed I was asked to leave my clothes on the ironing board in the kitchen which I did. I'm not sure what Martyn did with his clothes."*
48. I remember about the ironing board. From my recollection it was Martyn's clothes on the ironing board but must've been my own. Nothing happened to the pyjamas. They didn't take them to the best of my recollection. But I don't actually know. I've never thought about what happened. I can't recall them being there when I went home. With the events that went on I never thought about them again.

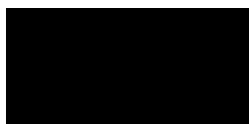
Signature of witness..........

49. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 3): *"I was driven down to Kirkcaldy Police Station and they parked the car near the front entrance and I got taken into the office and straight into an interview room which was on the ground floor as you come through the public entrance. We turned to the right and walked about three room lengths down the corridor just past the cells. Initially we sat and spoke for a while. I kept asking what had happened and if Shek was okay but they said they didn't know first of all. I think we probably sat down about just after 1.30pm. I think one of the officers was a DC Stark. He kept leaving for a while all the time and came back. I had been in the office for about half an hour when the officer told me Shek was dead. I was shocked but I kept my emotions pretty much to myself. I asked again what had happened but they just said they were making enquiries into it. Eventually they noted a statement from me, mainly about Shek being at the house. However, they did ask some questions about Shek's drug taking and what kind of person he was."*

50. I remember that. I remember not answering questions until I know what happened to Shek. If I recall correctly I wanted to know what had happened before I gave my statement. They said they didn't know what happened to him. Then one of them went away and came back and told me Shek was dead. I then gave the statement. I think that's exactly how it went. I don't remember answering questions beforehand. I think they wanted me to relax in the room first.

51. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 3): *"I was in the interview room for a long time. When they finished taking the statement they read out the statement on video in the same room and I signed the statement."*

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52. I remember the video. I feel there was a video camera up in the top corner of the room. I don't recall them explaining why they were videoing it. They maybe did but I don't remember.
53. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 3): *"I finished with the officers about 5.30pm. I was told that the other officers were nearly finished talking to Martyn and he would be another 10 minutes. I waited for him in the front public office until he was finished."*
54. The times sound right. I told him the front so I must've met him in the front office and then went outside to the front of the police station because I know that's where I was when I told him.
55. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 4): *"About ten minutes later Martyn came out with a CID officer. Martyn told me that he was going to try and see if we could get back into our house so we could get the keys for Martyn's work van, however he came back a short time later and said we couldn't get back in the house. They arranged for an officer to give us a lift to [REDACTED] house..."*
56. I remember this. I know that Martyn tried to get the keys. We were told before that we weren't get back into the house. I remember we wanted to go get dog food and keys, the dog was at [REDACTED]. We were told no so they arranged for a lift to [REDACTED]
57. I have been referred to my previous statement to PIRC dated 8 July 2015 (PIRC-00054 at page 4): *"One officer did a walk round the house with Martyn and I stayed in the kitchen with the other CID officer. The whole thing only took about 10 minutes. After the walk round we were all stood in the kitchen. The officer who had been with Martyn told us that they had removed... He*

Signature of witness.....[REDACTED].....

said they had walked into the bedroom and saw the drawer under the bed lying open and had seen.. and had to take it."

58. I remember them saying something along these lines that they had to take it because they'd seen it. I know there's no chance of that, of them just seeing it. They would have to have looked. I disagreed with it at the time to Martyn, not the police officers. I said it wouldn't be the case that the drawer was open. They've definitely opened the drawer [REDACTED] [REDACTED]. I wouldn't be able to get out the bed with the drawer open because it was the top half of the bed. I know the drawer was shut and I remember saying that to Martyn.

59. 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.

Date..... January 6, 2023. | 7:13 AM GMT
Signature of witness..... [REDACTED]