



The Sheku Bayoh Public Inquiry

Witness Statement

DC Ryan Balsillie

Taken by [REDACTED] on MS Teams on 25 January 2023

Witness details and professional background:

1. My full name is Ryan Balsillie. My date of birth is in 1976. My contact details are known to the inquiry.

1. I am currently a Temporary Police Sergeant, based in [REDACTED] and I have held this role for two years. This role entails the management and supervision of a response team, which is a team of uniformed police officers who on a daily basis, respond to calls from members of the public.

2. I joined the police in March 1998. When I joined, I was based in Fife Constabulary, where I worked at Levenmouth Police Station in Methil. I was there for a period of around about five years, at which point I moved briefly to Glenrothes Police Station for about a year. I then moved to Kirkcaldy Police Station for approximately 10 years. At that point, I moved into the Crime Management side of things. I worked in a role alongside the Criminal Investigations Department (CID) officers, and then was fairly quickly moved into a Detective Constable role based at Kirkcaldy Police Station. I held that role until 2019 or 2020. I then moved into a temporary Detective Sergeant role through in Levenmouth police station again, in Methil. My job entailed

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supervising a team of Detective Constables. I held this position through the early stages of COVID for about seven months, at which point I moved back to a Detective Constable role for a short period of time. I then moved to a Temporary Police Sergeant role, again, which was a uniformed role at Glenrothes Police Station where I covered for a little over a year. Then, about June last year, I moved to my current position, which is Temporary Police Sergeant at [REDACTED]. I have completed almost 25 years of police service.

Previous Statement

- 3. I am shown my statement PIRC-00058 which is dated 3 May 2015. I do remember preparing this statement. This is the only statement that I prepared for this incident.
- 4. The statement was given to the best of my memory at the time and I did my best to be truthful and accurate in what I said. I've read over my statement and confirm the content is correct. I'm asked if there was any discrepancy between this statement and my operational statement, which statement I would prefer and should be relied upon. The answer is my operational statement which was taken at the time of the incident, when everything was fresh in my memory.

03 May 2015- Victoria Hospital, Kirkcaldy

- 5. I am asked to describe my day on 3 May 2015. I remember that I was an eight o'clock start that morning as opposed to seven o'clock start, which, when you're in the CID, you do one of the two. [REDACTED]
[REDACTED] Shortly prior to or just as I arrived at Kirkcaldy, I was contacted on my mobile by DS Samantha Davidson, who was my Detective Sergeant at the time. She asked me to make contact with one of my other colleagues DC Andrew Brown.
- 6. DS Davidson then briefly made me aware of the circumstances, and essentially told us to attend the hospital as soon as we were able to do so. We were told that one of our colleagues DC Derek Connell, who was one of the seven o'clock starts, was already at the hospital, and we were to go and

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make contact with him. So, around about, I think, quarter past, we were at the hospital. The hospital was about a 10-minute drive from the police station, so we were there pretty quickly. We made contact with the DC Connell. He explained that there was a male within one of the resus bays receiving medical treatment. Essentially, we remained outside of the cubicle while he received that treatment.

7. The resus bay was very busy. There was a lot of medical staff- nurses and doctors, coming and going from the cubicle bay. We remained outside of the bay to allow the medical staff to do their processes until we were informed that the male had passed, and life had been pronounced extinct. At this point, just a short distance from that resus bay is a dedicated family room, which was portioned off, if you like; so, one half was where medical personnel, medical staff would put a deceased person, and then on the other half of that room is a more soft suite where there's a couple of chairs, a couch somewhere where a family could go and grieve for the deceased person. So, the deceased was put in that one half, and at that point me and DC Andrew Brown took up a position within the other half of that suite.
8. We thereafter took possession of a number of items, blood samples, and clothing. Essentially, we remained within that area for the remainder of our shift.
9. I have been referred to the last two paragraphs on page one of my statement PIRC-00058 which starts,

“On Sunday 3rd May 2015, I was on duty and working a 0800 to 1700 hours tour of duty. At the commencement of my duty, I was contacted by DS 918 Samantha Davidson and made aware of an incident which had occurred on Hayfield Road, Kirkcaldy, involving a male person and Police Officers then in the execution of their duty.”

10. I am asked if I recall how I was contacted by the DS Davidson and if I remember what specifically I was told about the incident involving the male and the police officer in execution of their duty. DS Davidson contacted me on my mobile phone. I wasn't told the specifics about what had occurred. Essentially, I was told that there had been an incident, and we had to mobilise and get up to the hospital as quickly as possible.

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11. I am asked other than DS Davidson, if I remember being told about Mr Bayoh's interaction with the police or anything along those lines by anybody else. The answer is no. Not by anyone else.
12. I am asked if once I arrived at the hospital, if I had a conversation with DC Connell as well as DC Brown and if so, what that conversation entailed. The answer is yes, I did have a conversation with DC Connell. I was informed that the incident involved a male person and that there was also a female police officer within the accident and emergency department and that she was receiving treatment for her injuries. I wasn't told who that female police officer was or the extent of any injuries at all as a result of the incident or her interaction with the male. I was told that the male was in or had been in possession of a knife, which had been brandished at police officers; that's all I was informed of by DC Connell. It was a very brief handover to allow us, effectively, to take over at the hospital to allow DC Connell to come away from that position.
13. I have been referred to page two of my statement PIRC-00058 which starts,

"I was made aware that the male person was currently in the accident and emergency department at Victoria Hospital, Kirkcaldy, accompanied by DC 405 Derrick Connell. I was informed that there was a female officer within the emergency receiving treatment for injuries she sustained during the incident. I was made aware that the male had been in a public place in the area of Hayfield Road, Kirkcaldy, in possession a knife which he had brandished at police officers. I was also informed that the male person had been sprayed with CS incapacitant spray and PAVA spray which had no effect on the male."

I am asked to the best of my recollection, what I was told about Mr Bayoh's brandishing the knife at the Police and whether DC Connell expanded on what he meant by that. The answer is No, DC Connell did not expand. There were no specifics about how that happened, how that became to be brandished, how he was no longer in possession of the knife or the circumstances leading to him having to be sprayed, other than he was in possession of a knife. I wasn't informed of any kind of more specifics of that.

14. I am referred again to page two of my statement PIRC-00058 which starts,

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“DS Davidson instructed that DC 374 Andrew Brown and I attend at the resus department at Victoria Hospital and made contact with DC Connell. Upon our arrival, the male person/deceased was within bay number one at resus within the accident and emergency department. At this time the identity of the deceased was unknown. DC Brown and I did not enter bay one at any time.”

I am asked if this was my first time working with DC Brown and if I can recall any of the details of that instruction by DS Davidson. I'd worked with DC Brown a number of times before. We were in a small team of maybe four or five of us, so we worked the same shift pattern, so I've worked with him quite regularly.

In terms of the detail of that instruction, at the time we weren't aware that the male was going to pass. We weren't aware that he was going to die. So, essentially, we were there to, hopefully, speak with him that would be our ultimate role at the end. Again, I wasn't made aware of exactly what had happened at the locus, at Hayfield Road, so I wasn't aware if he was to come into police custody once everything had been dealt with and hopefully recovered sufficiently. So, it was kind of predicting one of those unknown ones; we weren't sure what was going to happen. Obviously, it transpired that medical procedures were not successful, unfortunately. So, then our role changed slightly and in that we were obviously there to protect the deceased.

- 15. I am asked if it is still considered locus protection when it's a body. The answer is, yes. When a person is deceased in circumstances which are unknown, that body becomes a locus, if you like and your role would be to protect the body in as much as you can for potential forensic recovery of any samples that might be required.
- 16. I am asked if this is a role I have undertaken before. Certainly not in the same circumstances, but yes. I have gone to the hospital when someone has passed and taken possession of the body. Yes, I've done that before.
- 17. I am asked if I recall what happened when DC Brown and I arrived at the hospital and if anything stood out to me in relation to what was happening in the room that Mr Bayoh was in with the doctors. I was clearly aware that there were a number of doctors and nurses coming and going from the resus cubicle. The cubicles were one of those ones where it's partitioned off with a curtain that you put over. I was aware that the curtain was opening, and

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closing, and they were clearly trying to resuscitate him. I do recall, at one point, if you can imagine chest compressions being carried out. It was the first time I had seen an actual machine doing the chest compressions as opposed to manually doing the chest compressions. I do recall that machine operating for a considerable amount of time, but I couldn't be certain to tell you how long that actually was.

18. I am asked what my usual role would be as opposed to the role that I had undertaken on 03 May 2015. My usual role is as a detective. As a detective, we would have our own ongoing investigations of crimes that have previously been reported to us. On a normal, day-to-day basis, if there was nothing ongoing at that time, we would be carrying out our own inquiries whether that be noting a statement from a witness or making contact with a suspect with a view to arrest or other inquiries. We would also review a daily crime bulletin, which outlined the crimes that had occurred over the previous 24 hours. Again, we would identify any sort of pressing inquiries or perhaps time-bound inquiries that we would need to carry out during the duration of our shift. Predominantly, we would be focused on the Kirkcaldy and Glenrothes areas because that was classed as sort of central Fife, but if, for example, there was a major crime through in the west of Fife, through in the Dunfermline area, we may be extracted to go through and assist with any sort of inquiries that come from there or East, likewise. So, that would be our daily normal duties at that time.

19. I have been referred to the bottom of page two of my statement PIRC-00058 which starts,

“About 0904 hours, same date, I was made aware that the deceased had been pronounced extinct by Dr Rachel Anderson ... I was made aware that the person in charge of the ward was Dr Surinder Panpher... The deceased was then moved by nursing staff from Bay 1, Resus ward, Accident & Emergency department, to a private side room adjacent to the Resus ward. About 0920 hours, same date, DC Brown and I seized from Bay 1, Resus ward, accident & emergency department: label right shoe, label left shoe, label clinical waste, and label 4x blood sample. The items were handed to us by Sarah Cunningham.” It then continues onto page three. *“Thereafter, DC Brown and I remained with the deceased within the side room, which was secured at all*

Signature of witness..... 

times. I was thereafter aware that the deceased had been identified by others as Sheku Bayoh.”

I am asked to explain what this seizure entailed and what this process usually involves. These have been items of clothing removed from the deceased and placed in a bag. As a police officer, you would then have a witness label, a production label, which would be signed by the witness. Basically, the production would then be sealed within a bag and the label sealed onto that bag. Normally, it would be two police officers would seize an item, but these are obviously items that have been handed by the witness to DC Brown, in my presence. So, the witness would sign the label, DC Brown would sign the label, and I would also sign the label as a corroborating officer to say that we received those items at that time but, yes, effectively they were handed to DC Brown. This process was followed in relation to signing the labels.

20. I am asked if the seized items were placed in one bag. I can't recall. I do remember there was a left shoe and a right shoe; I can't remember if they were in one bag. The clinical waste will have been in a separate bag; so, these were things like swabs, tissues and stuff, which had been used by the medical staff. Then, obviously, the blood samples would be separate again because they're in the little glass vial tubes. But as far as the left shoe and the right shoe, I can't remember if they were separated.

21. I am asked to explain what was involved in securing the room. Effectively, the doors were locked and secured. The particular family room that we had at the time, as I explained, there was kind of two halves to that, there was an entrance door in both halves. In the half where Mr Bayoh was, there was an entrance door which led directly into that resus ward, so that was locked from the inside where DC Brown and I were.

22. I have been referred to page four of the statement PIRC-00363 of Police Investigation and Review Commissioner (PIRC) Investigator and Scene Manager John Ferguson where he states,

“Upon my arrival at Victoria Hospital, two detective officers identified themselves as police witness DC Ryan Balsillie and DC Andrew Brown, who were both standing by the deceased within the room of A&E department of Victoria Hospital. Both these officers left the hospital a short time later once spoken to by me. I noted that neither of these officers were forensically

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dressed whilst they had been within the room where the deceased was situated. This was pointed out to them by me, and they explained that they had no equipment made available to them in this regard."

23. I am asked to explain what Investigator Ferguson meant when he said I wasn't forensically dressed and what being forensically dressed means. So, "forensically dressed", means to wear one of those white paper suits which is sealed. A pair of sealed footwear, it's like white paper footwear gloves, mask, hairnet, a beard net if required, so that you are essentially forensically aware, and it prevents cross-contamination between yourself and someone or something else.

24. I am asked if there are standard forensic protocols in place that need to be followed when you are conducting this kind of locus protection and seizing these kinds of productions. I wasn't aware at the time that all deaths and or deaths that are regarded as in police custody have to be treated in such a manner that you had to be forensically aware. I wasn't aware of that, and at no time was I instructed to wear any of that equipment whilst in the room adjacent to where the deceased was.

25. I am asked when we moved into the room where Mr Bayoh was, if DC Brown and I had a conversation about if we should be forensically dressed. The answer is no, that conversation was never had. Again, at the time, there was very limited police supplies at the hospital; so, other than wearing a pair of rubber gloves, which is what we did, other than wearing those gloves, we had no facility to wear a white suit or the boots, hairnet, etc. and that, other than wearing the gloves, which we did.

26. I am asked if I can expand on what I mean when I said that I no equipment. Since I didn't know what the role would turn into, I didn't come to the hospital in the mind that I would need my equipment. This is something that can happen quite normally as you can go somewhere, and something changes quite quickly. It's definitely that unknown factor. I think had we known that Mr Bayoh was going to pass, prior to attending at the hospital, I think there's then that preparation time to have that equipment, or alternatively which I think is now the case that the hospitals tend to keep a small supply of these things, tell others to do that, should it turn the case. But certainly, at the time, we didn't know the inquiry was going to turn that way, so we used the resources

Signature of witness..... 

which we had, which were the gloves, double gloves, which is what's always applied.

27. I have been referred to page 5 of Investigator Ferguson's statement PIRC-00363 which says,

"Within this room was label one, brown boot label x2, label number clinical waste, and label 4, samples of blood, all within the same bag and not labelled, were recovered within that room. "Then he goes on to say: "Label number one, brown boots x2 were contained, unsealed within brown paper bags, which had no labels attached. Label number three, the clinical waste, was likewise contained wrapped in an orange plastic bag which had been inserted into a brown paper bag – neither was sealed nor labelled. And label number four, four sample of bloods, were contained within one orange plastic bag which was neither sealed nor labelled."

I am also being referred to page three of the statement PS00778 of Crime Scene Manager, DC Peter Grady's statement which says

"On the floor there were three unsealed police production bags. Contained within these bags were the deceased's shoes and a bag containing medical debris. Beside these bags was a clear and sealed bag that contained ampoules of blood."

As the two accounts contradict each other as it relates to the number of sealed bags, I am asked if I can recall if all four bags were unsealed and to explain why they were unsealed and unlabelled. All four bags would be exactly the same in that we had no facility to seal them; we didn't have the required brown tape or blue tape to seal them. When we take an item and we're unable to seal them which occurred on this occasion, they're folded over at the top, a couple of times to prevent any access to the bag. Yes, if you wanted to access it, you would be able to unfold it, but essentially it keeps it sterile and in that bag. So, we placed the two shoes which had been in separate bags-apologies I couldn't recall that; the debris is in a separate bag; and then the blood is in a separate bag as well.

28. The same tape that the label is attached to the bag with, that same process of sealing it is undertaken and attaching the label at the same time. So, while the labels were not sealed to the bags, we wrote the labels on paper. I can't recall

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if DC Brown handed those to the officers that attended; I can't speak for that. I'm not sure.

29. I am referred back to page three paragraph four of my own statement PIRC-00058 which says

"About 1930 hours, same date, DC Brown and I were stood down from the department and replaced by other officers."

I am asked if I recall who replaced me on the locus protection. It was the PIRC officers that came in. Essentially, there was a number of them that came in with their forensic suits, and we weren't prepared for them coming in like that, if you could imagine, but they essentially came in and took over from us. Probably the reason I've put "other officers" is because I wasn't aware of who they were by name.

30. I am asked if I had any conversation with the PIRC officers. The answer is no. None, other than making sure they were aware of what we had seized, where it was, and where the deceased was.

31. I am asked if returned to Kirkcaldy Police Office after being relieved of my shift. The answer is yes, I went back to Kirkcaldy, and I completed my statement.

Return to Kirkcaldy Police Station

32. I am asked if upon my return to Kirkcaldy Police Station, if I had conversations with anyone else or went directly to providing my statement. Yes, I do recall other officers being there; Samantha Davidson as the DS would have been there. We would have had brief conversations that, you know, "In light of the circumstances, we need to prepare a statement so it's fresh in our minds". So, I compiled my statement and then my shift would have ended.

Post Involvement and Media

33. I am asked if I have been involved at all with the investigation since 3 May 2015 including being contacted by Operation Bernie and Operation [REDACTED]. No,

Signature of witness..... [REDACTED]

not at all. I thought I wasn't required by the inquiry. Obviously, I was aware of it occurring. You know, you can't escape the YouTube posts and all the rest of the stuff on social media and then the media itself. So, I thought my involvement was not required until I got contacted by the team just a few weeks ago.

34. I am asked if I have been following the Inquiry so far and if so, what have I seen or heard. [REDACTED] I'm aware of the protests that have been occurring in Kirkcaldy. I'm aware that some of my colleagues have had to go and give evidence at the Inquiry, but I've tried not to follow it too closely.

35. I am asked if I or if anyone I know has spoken to the press or the media about either the incident or their involvement at the time or up until this point. The answer is no. I haven't talked to the media, or the press and I also don't know anyone who has.

Training

36. I am asked what training I had received prior to 3 May 2015 that related to the role that I carried out on that day. The answer would be none. Certainly, nothing in terms of the forensic recovery of a body prior to that day. I am now trained and more forensically aware as I am now what is called a Crime Scene Manager, but that is not to do with this inquiry. What I was aware of was that when the officer and his colleagues attended- they were obviously forensically dressed properly; they had the white suits and boots and gloves and all the other things that we've spoke about. When they arrived at the ward, they were all wearing that as they walked in.

37. I am asked if I recall any training that I've been given on the subject of racial awareness or equality and diversity. The answer is, yes. I do recall a two-day training course at headquarters a number of years ago. I'm sorry, I have absolutely no recollection when that was. Bearing in mind I've been in the police for 25 years now, but yes, it happened a number of years ago. It was a two-day course at headquarters, and there was a number of speakers. Again, I couldn't tell you who that was. We don't receive any regular training on the subject.

Signature of witness..... [REDACTED]

Race

- 38. I am asked if in my career with the police, I have ever witnessed any example of racial discrimination by police officers or staff. Hand on heart, I would say no, not at all.

- 39. I am asked if in my career with the police, I have ever witnessed any examples of racist jokes or comments by police officers or staff. The answer is no, not by any of the colleagues that I've worked with at all. I have seen my colleagues subject to that by members of the public.

- 40. I am asked if I was to observe any kind of racist jokes or comments or direct racism or something that didn't really sit right with me, how would I respond to that. It would certainly be my position to challenge that directly at the time, and probably raise that bearing in mind I'm in a supervisory position just now, but effectively raise that further up the chain to my supervisor to inform them of what I'd heard, my observations. Certainly, directly challenge that to those involved but, as I say, I've never experienced that by any member of Police Scotland police staff.

- 41. I am asked if there is a formal process in place to report and record these incidents and if there is, to outline this. The answer is yes, there is a formal process. If it was highlighted to me as a supervisor, it would be the case of informing them direct but there will be an anonymous process as well. There is a portion on our website where you can make that reference, but I'm unaware of a sort of official process.

- 42. 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.

February 9, 2023 | 2:07 PM GMT

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