



MOD-83-0000113-A

Witness Name: David Tomney Smith

Statement No.: 1

Exhibits: DTS/1; DTS/2; DTS/3

Dated:

**In the matter of an investigation into the death of  
Mr Hassan Said**

---

**WITNESS STATEMENT OF  
DAVID TOMNEY SMITH**

---

I, David Tomney Smith, will say as follows:-

1. I am making this statement for the purposes of the investigation into the death of Mr Hassan Said.
2. I have seen and make reference to the following documents:
  - a) Crib sheet regarding Use of Force [DTS/1]
  - b) Strike Area Chart [DTS/2]
  - c) Three crib sheets regarding Empty Hands, Speed Cuff, and ASP Training [DTS/3]
3. In August 2003 I was a Staff Sergeant in 150 Pro Coy of the RMP. My service number was 24670555. I was a Home Office qualified instructor in the use of quick cuffs and batons, having gained this qualification with Lothian and Borders Officers' Safety Course in ~~either July 2001 or July 2002~~. This qualification allowed me to instruct others in the use of the quick cuff and baton.

*Jun 1999.*

## Quick cuff and baton training

4. In relation to S008 I took him through the use of quick cuff and baton training and also empty hand techniques (restraint) on 29 May 2003, when we did our Pre Deployment Training.
5. Quick cuff training consisted of applying the hand cuffs in various positions, e.g. front palms inwards, front stacking, rear facing and rear stacking. For example, the front stacking position would be where the arms are held across the body at chest height and the cuffs are applied to the wrists. The students were also taught take down moves using the cuffs and also safe removal techniques.
6. When I taught the course, I reminded students of the need to use the force continuum, which is a number of stages which can be used to subdue the suspect. These begin with mere officer presence and ultimately end in lethal force. All NCOs are taught to start at the lowest level and work up. However, depending on the circumstances, they may elect to start along the continuum, e.g. if verbal reasoning has already been tried and failed they may move straight into primary control skills or if the suspect is armed with a knife it would be appropriate to draw and use the baton.
7. The students were also taught the authorised strike moves, which are:
  - i. Weapon Strike – This is a strong hand strike
  - ii. Reactionary Strike – This is if the user has missed his mark using the above. He would use his baton on the return strike.
  - iii. Straight Strike – This is where the user would clench their fist around the baton and strike out towards the target's stomach.
8. These three moves were all done with the baton in the closed position. There are a further three moves that are done in the same way but with the baton open. On the straight strike this time the user would hold the baton in both hands.
9. Baton users were also taught, during the use of force phase, which areas of the body they are allowed to strike and when. The body is marked out in three target areas, which are:

Primary Target Areas (Green):

  - 1) Lower Abdomen
  - 2) Forearm
  - 3) Thigh
  - 4) Shin

- 5) Instep
- 6) Calf
- 7) Buttock
- 8) Back of Hand and Inside of Wrist
- 9) Achilles Tendon
- 10) Elbow Joint

Secondary Target Areas (Amber):

- 1) Collarbone
- 2) Upper Arm
- 3) Knee Joint
- 4) Shoulder
- 5) Upper Abdomen
- 6) Shoulder Blades

Final Target Areas (Red):

- 1) Temple
- 2) Ears
- 3) Eyes
- 4) Bridge of Nose
- 5) Upper Lip
- 6) Jaw
- 7) Throat
- 8) Solar Plexus
- 9) Groin
- 10) Hollow Behind Ear
- 11) Back of Neck
- 12) Kidney
- 13) Tail Bone
- 14) Rib Cage
- 15) Spine

10. I have included a chart [DTS/2] which I used to show the strike areas in order of escalation (green to red).

11. The purpose of the strikes (weapon & reactionary) is that they cause intense pain and numbing at the point of impact, thereby incapacitating the suspect and preventing further attacks or ensuring a release of weapons held. This allows the officer time to restrain the suspect either by handcuffs or holds. The purpose of the straight strike is primarily to provide space as the baton is used to push the suspect away.
12. If an NCO encounters an offender and the need arises for him to strike him, he would start with the green areas. He then has the option to escalate the application of force if the offender is not compliant. If the NCO is in a life-threatening situation he has the option to strike the offender straight away in a red area.
13. I can confirm that S008 passed all of his training objectives on the use of the quick cuff and baton.
14. The training I gave S008 was the same as I was trained in, i.e. in accordance with the Lothian and Borders Police Officer Training Manual. I did not change any of the holds or techniques than those given in the training literature. I would therefore expect that, as they are tried and tested techniques, they should, if used correctly, have been sufficient to overcome someone resisting arrest, providing there was not a great disparity between the individuals (in terms of height and/or strength). The techniques would be less effective if the suspect was under the influence of drink or drugs, as a number of the techniques rely on 'pain compliance', i.e. the person stops resisting to lessen the pain, and to a certain extent I would also include someone in an emotional state in this category.
15. I would point out that the course S008 took is designed as a refresher, and not as a full training course. All students would have had more in depth use of force training during their initial training.
16. It is my recollection that S008 was a fit, well built individual who was competent throughout the training and therefore I would not expect him to be unable to overcome someone in the majority of situations albeit with the caveats above.
17. As stated above and as included in the attached, each officer is responsible for deciding when and if to use the baton. I always taught that the use of the baton was towards the end of the scale and was to be used to gain control or compliance, but that officers should not be afraid to use it as even its removal from its pouch and the opening could have a <sup>calming</sup> effect.

deescalating

## Deployment to Iraq

18. At the time of deploying we were unsure of what role we would be carrying out therefore or indeed what our role was to be, therefore it was difficult to cover all scenarios where an officer might use quick cuffs and a baton.
19. At the time I was in Iraq the RMP were primarily armed with a Browning pistol and the standard rifle. The pistol was carried in a MoD Police holster around the waist. The holster had a flap which covered the butt of the pistol and straps kept it against the leg. There was a hole in the flap through which a piece of U-shaped metal protruded and a piece of the holster strapping was fed through this to secure it, and this flap also covered the trigger. When properly secured in this way I would say it was very difficult for the weapon to fall out. I know of no occasions when this happened. In addition, it was company policy to further secure the pistol via a lanyard to the belt. In the above circumstances I would have had no hesitation to in attempting to restrain an individual and all moves and techniques would have been possible, although we did not practice the techniques wearing weapons prior to deployment.
20. In the case of the rifle, it was company policy that it was always to be within arm's reach. When patrolling or moving it was usually secured across the chest or hanging to the side by the sling. If the weapon was not attached then it would usually be leaning against something or on the ground. I believe some of our NCOs who were attached to the infantry may have on occasion carried different weapons but I cannot state who did this or what weapons they carried.
21. I have been asked to consider a hypothetical scenario where an RMP officer is attempting to restrain an individual resisting arrest. If the suspect became violent I would expect the RMP officer to move his rifle, if it was by his side, to his back (if he had time to do so) by securing it across his chest and then moving it to the rear. I would not be concerned about the pistol as it would be holstered securely as previously stated. By moving the rifle to the rear, he should then be able to draw and use the baton and cuffs as taught, although I would expect the rifle to swing back around and interfere eventually.
22. If the RMP officer felt secure enough (in both his location and in the person with him), then he could give his rifle to another person which would make the restraint easier, however given that we were in Iraq during hostilities I would not think this likely.

23. In the case of serious resistance, as previously stated, the force continuum does go up to lethal force. If the suspect had a weapon then I could see a situation where the RMP weapon was pointed at the suspect to gain control. However, given that all RMP training is about calming the situation with the minimum use of force, I do not believe this is likely. The RMP ethos would be not to use the weapon as we do not have that sort of ~~training~~<sup>mindset</sup>. I do not recall having any doubts about S008 [REDACTED] either in his policing role in garrison or during arrest and restraint training.
24. The final scenario would be that the weapon would be pointed at the suspect by another person (colleague or other soldier) in order for the RMP to move in and restrain with handcuffs. I would consider this a very undesirable and dangerous way of gaining control as it puts 'you' at the top end of the force continuum allowing only the use of lethal force (I have never been instructed in wounding shots) and endangers the person moving forward to take control, as they could be shot by accident.

**Statement of Truth**

I believe the facts stated in this witness statement are true

Signed [REDACTED] .....

Dated 25 OCT 14 .....