

STATEMENT MADE ON BEHALF OF THE DEFENDANT  
STEPHEN BOOKER

Dated this 16<sup>th</sup> day of MAY 2000

CLAIM NO. BS 614159

IN THE BRISTOL COUNTY COURT

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

SOUTH WALES CONSTABULARY

Defendants

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WITNESS STATEMENT

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I, Police Sergeant 2602 STEPHEN BOOKER, of c/o  
South Wales Police, Police Headquarters, Bridgend CF 31  
3 SU.

WILL STATE

1. I am P.S. 2602 of the South Wales Constabulary. I am currently stationed at Llantwit Major Police Station and have 26 years service.
2. I refer to the civil claim being brought by Maurice John Kirk against the Chief Constable of the South Wales Constabulary in relation to a number of alleged incidents. I refer in particular to an incident which occurred on

3.10.1993 during which Mr Kirk was arrested for driving whilst disqualified.

3. In the months preceding Mr Kirk's arrest on that date a number of incidents had occurred which had brought Mr Kirk's notoriety to my attention. I am now unable to recall the date but I was aware that a burglary was reported to have taken place at his veterinary surgery at Burial Lane, Llantwit Major, at which he refused to give any details to P.C.1961 Price who attended at the scene to give assistance. My colleague later informed me that Mr Kirk had alleged that the burglary had been committed by the Police and was part of a Police conspiracy.
4. I was aware that Mr Kirk had also been arrested some time previously in Cardiff for which he was subsequently sent to Cardiff Prison for a number of days having refused to disclose his identity. Following this incident Mr Kirk was the subject of a local intelligence bulletin from Fairwater Police Station. The arrest and detention at Cardiff Prison also received media attention in the South Wales Echo.
5. Sometime before the incident on the 3.10.1993 I also had the opportunity of reviewing Mr Kirk's voluminous schedule of previous convictions received from Guernsey Police.
6. On Sunday, 12.9.1993 I was working an evening shift from 5.00 p.m. to

1.00 a.m. At 24.40 hours I was called to premises next to Mr Kirk's veterinary surgery at Burial lane. I met <sup>6.</sup> Mr Kirk at the premises where he informed me he was taking over the lease of the premises. The building was derelict and he informed me he was planning to renovate the building. I believe I attended with P.C.1961 Andy Price. Mr Kirk was quite reasonable towards us as he identified to us that he had received information that David Wakefield and friends were going to break into the premises to sleep there. David Wakefield is a known local criminal and drug abuser. Mr Kirk wanted us to see damage which had already been caused to the door. P.C.Price and I were shown two holes close to the lock. Basically Mr Kirk just wanted us to be aware of the situation and asked us to keep an eye on the place. We offered him suitable advice.

7. The following day I was working a 9.00 a.m. to 5.00 p.m. shift. I reported for duty at 8.40 a.m. when I was asked to go back to Burial Lane to attend upon Mr Kirk. I recall other Officers were already at the scene. I am no longer able to recall the precise nature of the message I received. However I did attend at the premises at Burial Lane. A number of Officers were already in attendance. I recall Mr Kirk was present together with five youths four of whom were well known to me. It was apparent the youths had obtained entry to Mr Kirk's property and Mr Kirk was asserting that he had been assaulted by one of the youths. Mr Kirk was quite agitated and was anxious for me to examine his arm.

This I did but there was no apparent injury or sign of assault. In turn the youths alleged that Mr Kirk had threatened them and in fact it was Mr Kirk who had caused the damage to the front door. I recall examining the door and concluding that there appeared to be no further damage to the property from the night before.

8. P.C. Carl Jones and P.C. 909 who was from the Traffic Division had arrived before me and were dealing with the situation. I believe the Traffic Officer actually spoke directly with the Force Solicitor via the telephone from the scene to obtain advice regarding squatters' rights. After 15 to 20 minutes we persuaded the youths to leave which defused the situation. Mr Kirk was still agitated but was pleased that the youths were leaving. I recall Kirk remained at the property after we had left.
  
9. Several days after the squatting incident, I was on duty at Barry Police Station. I was able to get access to the Police National Computer record (PNC). At that time access to the PNC was limited and we did not have one at Llantwit Major. I decided to view Mr Kirk's up to date criminal record held on the PNC due to my previous involvement and the fact he was now residing in my area. It was then I discovered that he was shown as being disqualified from driving at Barry Magistrates Court on 24.5.1993. The disqualification appeared to end on 23.11.1993. This was a fact that no one appeared to be aware of. I therefore circulated this information both at Barry Police Station on the notice board and at

10. Late on Friday 1.10.1993 I became aware that P.C.McDonagh had dealt with a road traffic accident in which Mr Kirk was driving a Triumph Spitfire motor car. Mr Kirk had been unhelpful at the scene and it was not until I advised P.C.McDonagh that he was aware of Mr Kirk's disqualification.
  
11. On Sunday, the 3.10.1993 at 17.10 hours I was returning from an incident at Rhoose to go back to the Police Station to conclude my shift. I was travelling along Boverton Road, Llantwit Major in a marked Police vehicle when I saw Maurice Kirk riding his BMW K100 RT motorcycle registration number 1876. He was driving towards me when I recognised the unusual Guernsey number plates. I also recognised the driver and was surprised to see him bearing in mind he was a disqualified driver. Due to traffic conditions I was unable to stop him and by the time I reached the traffic lights at Eglwys Brewys there was no sign of him.
  
12. I immediately circulated his motorcycle number to Barry Units and I drove back into Llantwit Major. I was passing the junction to Orchard Close, ( the old Llantwit Major main road which is now a dead end) when I saw Mr Kirk riding down towards me. My immediate thought was that Mr Kirk had ridden into the dead end road in order to avoid me. There is nothing along that road and the time lapse was such (no more



than a couple of minutes) that Mr Kirk would have been unable to do anything other than drive up the dead end and turn around and come back again. Again due to traffic conditions I was unable to stop him.

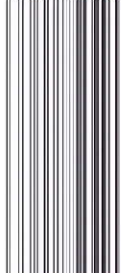
13. I then caught up with him at the Eglwys Brewys traffic lights whereupon he overtook all the traffic and rode off towards St Athan at speed. This behaviour again confirmed that Mr Kirk was attempting to avoid me. I again caught up with him at St Athan where he had come up against slow moving traffic. I manoeuvred myself behind Mr Kirk's motorcycle and signalled to him to stop by flashing my lights. Kirk pulled up and came to a stop near Jeff White Motors. I alighted from my vehicle and approached him. I informed Mr Kirk that I had reason to believe he was a disqualified driver having been disqualified by Barry Magistrates Court. His attitude were immediately hostile and he alleged my reasons for stopping him was part of a Police conspiracy. He said that he had never been to Barry Magistrates Court and told me that he was not disqualified from driving. I wanted to verify my facts about his disqualification via the Police National Computer. I therefore requested him to sit in my vehicle whilst I carried out a PNC check to verify the details. This he agreed to do. He provided his full name on request and when I asked his date of birth he stated slowly and deliberately 1-2-3-4-5 in such a manner that I believed it to be a "wind up". I subsequently became aware however that this is his correct date of birth. At that stage Mr Kirk stated he did not have time for my enquiries and said that he

was going to leave. He stood up and walked back towards his motorbike. I went after him and told him that I was arresting him on suspicion of driving whilst disqualified at which point he began ranting and raving using obscene language and behaving in a generally threatening manner. I cannot recall if I restrained Mr Kirk other than placing my hand upon his arm at the point of arrest to signify the same.

14. During my pursuit of Mr Kirk on his motorcycle I had also radioed into the control room to inform control that I was following a disqualified driver. When I had managed to stop Mr Kirk I then cancelled the assistance.

15. I then requested Mr Kirk to get into my vehicle as he had been arrested. He refused to do so stating I would need assistance which I then requested on my personal radio. Mr Kirk repeatedly asked me why he had been disqualified by Barry Magistrates Court. I had received confirmation whilst at the scene following my PNC check that Mr Kirk was a disqualified driver. However the check was unable to provide any further information. Mr Kirk repeatedly asked me why he had been disqualified by Barry Magistrates Court and I advised him that this information was not available on the PNC. He would not accept the fact that I could not supply him with an answer to his query.

16. Five to ten minutes later P.C.McDonagh from Cowbridge and



P.C. Phillips from the Eastern Traffic Area and a third Officer from Barry in a panda car arrived to provide assistance. Mr Kirk was then placed into a Police vehicle. His motorcycle was then placed into a building at Jeff White Motors to ensure the cycle would be secure. Mr Kirk was then conveyed to Barry Police Station in the Barry panda car. During my wait for assistance Mr Kirk continued to be abusive and threatening. Once assistance arrived however and a number of Police Officers were on the scene Mr Kirk quietened down and became subdued.

17. In view of Mr Kirk's denial at the scene that he was not disqualified I made checks at the Collators Office in Barry, which keeps records of disqualified drivers within the Division. It is my understanding that the Court sends forms containing information regarding disqualification's to the Collators Office. The Collators Office then has pre-defined forms to go to the DVLC to advise them of the conviction. Any cancellation or amendments of disqualification's should remain on file at Barry Collators Office.

18. The PNC and Criminal Intelligence System are updated on information that is put in at Cardiff. The Barry Collators Office cannot input directly into the PNC. They have an IRIS machine and transfer information to Cardiff for them to input. The PNC contains information regarding Court matters. Any Notice of Appeal on Conviction would go straight to Cardiff Central Police Station from the Court who, I assume, would go



through the same procedure in relation to inputting that information onto their system.

19. Having completed by enquiries I was satisfied that all information obtained on that date and my previous knowledge from other checks on other occasions confirmed that Mr Kirk was a disqualified driver. I then needed to complete the general paperwork including the typing up of charges. There was no point interviewing Mr Kirk regarding the offence. At 19.20 hours on the 3.10.1993 I charged Mr Kirk with driving his motorcycle whilst disqualified with no insurance I also charged him in relation to the incident on the 1.10.1993, on this date P.C.McDonagh had dealt with a road traffic accident in which Mr Kirk was driving a Triumph Spitfire motor car and therefore charged him with driving this vehicle whilst disqualified on the 1.10.1993 with no insurance. After charge and caution he replied "*Blatant harassment*".

20. The following day I was at Barry Magistrates Court on another matter when it came to my attention that Maurice Kirk had been arrested at Barry again for driving whilst disqualified. Mr Kirk was being held in custody for Court that day.

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21. It subsequently became apparent later that day that Mr Kirk had appealed against his disqualification imposed by Barry Magistrates Court at Cardiff Crown Court on 3.6.1993 and that his Appeal had been allowed.

At no time during my dealings with Mr Kirk on 3.10.1993 or indeed at Court during his remand application did Mr Kirk inform anyone that he had appealed against disqualification.

22. Apart from the matters referred to above I have had no further dealings with Mr Kirk.

23. I believe that the facts stated in this witness statement are true

SIGNED.....

DATED..... 16. 5. 2000 .....